



Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD35/2018

**JODIE PHILIPSEN** and another named in the schedule  
Applicant

**ASTORA WOMEN'S HEALTH LLC**  
Respondent

No: NSD181/2020

**LINDSEY SCHOFIELD** and another named in the schedule  
Applicants

**TFS MANUFACTURING** and others named in the schedule  
Respondents

No: NSD244/2021

**DEBRA FOWKES**  
Applicant

**BOSTON SCIENTIFIC CORPORATION** and another named in the schedule  
Respondents

No: NSD310/2021

**LISA TALBOT**  
Applicant

**ETHICON SARL** and others named in the schedule  
Respondents

## **ORDER**

**REGISTRAR:** REGISTRAR GITSHAM

**DATE OF ORDER:** 15 October 2021

**WHERE MADE:** Melbourne



**THE COURT ORDERS THAT:**

1. The hearing listed for 15 October 2021 at 10.00am is adjourned to 18 October 2021 at 10.00am.
2. Liberty to apply on short notice in relation to the return of the subpoenas issued to WA Health Services.

**Subpoena specific to the TFS proceeding (NSD181/2020)**

3. Pursuant to s 33ZF of the *Federal Court of Australia Act 1976* (Cth) (FCA) and/or rule 24.12 of the *Federal Court Rules 2011* (FCR), leave is granted to issue a subpoena to Kaizen Hospitals (Ashfield) Pty Limited trading as Sydney Private Hospital (ABN 97 094 662 914) for production by 29 October 2021, of a list of the patient contact details (including names, addresses, email addresses and telephone numbers) and the prosthesis code/s referable to each patient and the date of implantation of the device, for patients who underwent a procedure at any time after 9 August 2000 to implant one or more devices identified via the prostheses codes and/or product descriptions listed in Annexure “A”.
4. Leave is granted for short service of the subpoena issued to Kaizen Hospitals (Ashfield) Pty Limited by 26 October 2021.
5. Pursuant to section 33Y of the FCA, AJB Stevens Lawyers is to distribute the TFS Opt-Out and Registration Notice to each person identified from the lists of patients produced on subpoena by Kaizen Hospitals (Ashfield) Pty Limited by sending a copy of the relevant notice once by way of email to the last known email address, and in the event that the sender receives a delivery error message or “bounce-back”, once by prepaid ordinary post to the last known postal address, and if there is no known postal address, or the sender receives a “return to sender” notice from the last known postal address, AJB Stevens may contact the person via telephone to obtain their contact information to provide them with the notice.

Date that entry is stamped: 15 October 2021



*Sia Lagos*  
Registrar

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Rule 3.11 provides that a party may apply to the Court under subsection 35A (5) of the Act for review of the exercise of a power of the Court by a Registrar and that any application must be made within 21 days after the day on which the power was exercised. A party seeking a review can apply to the Court to dispense with any requirement of the Rules (Rule 1.34).



### Schedule

Federal Court of Australia  
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No. NSD35/2018

Second Applicant: JANICE SEYMOUR

No. NSD181/2020

Second Applicant MELISSA WEEDON  
Second Respondent IVS PTY LTD  
Third Respondent COVIDIEN PTY LTD  
Fourth Respondent PETER PETROS  
Fifth Respondent MIPS INSURANCE PTY LTD  
Sixth Respondent CHUBB INSURANCE AUSTRALIA LIMITED

No. NSD244/2021

Second Respondent BOSTON SCIENTIFIC PTY LTD ACN 071 676  
063

No. NSD310/2021

Second Respondent ETHICON, INC.  
Third Respondent JOHNSON & JOHNSON MEDICAL PTY LIMITED ACN  
000 160 403



## ANNEXURE "A"

### Table of Private Health Prostheses Codes in TFS Proceeding

<b>a. Device name and Prosthesis Code</b>	
i.	Device name: IVS Tunneller; product code: K019 or AS093
ii.	Device name: IVS Tunneller System; product code: AS111; AS112, or AS093
iii.	Device name: IVS Tunneller-Intravaginal Tunneller System; product code AS120
iv.	Device name: Tissue Fixation System (TFS); product code: KV001
v.	Device name: TFS Tissue Fixation System; product code: TF001