# SUPERIOR COURT OF THE STATE OF DELAWARE

RICHARD R. COOCH RESIDENT JUDGE NEW CASTLE COUNTY COURTHOUSE 500 North King Street, Suite 10400 Wilmington, Delaware 19801-3733 (302) 255-0664

March 28, 2013

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> RE: Karen Arrington, Individually and as Personal Representative of the Estate of Paul Arrington, Stacy

# Arrington, and Paul Arrington v. Bayhealth Medical Center, Inc., John Fink. M.D., and Bhavin Dave, M.D. C.A. No. N12C-10-132-RRC

On Defendant John Fink M.D.'s Motion to Determine if the Affidavit of Merit Complies with Sections (a)(1) and (c) of TITLE 18 § 6853

> Submitted: January 31, 2013 Decided: March 28, 2013

## AFFIDAVIT FOUND TO BE COMPLIANT WITH 18 DEL. C. § 6853.

### Dear Counsel:

On January 31, 2013, Defendant John Fink, M.D., filed a Motion to Determine if the Affidavit of Merit complies with Section a(1) and (c) of Title 18 §6853.

On February 26, 2013, the Court informed counsel that after reviewing the two Affidavits of Merit filed in this case, an Affidavit had been provided from an expert board certified in internal medicine, whereas, John Fink, M.D., is board certified in family medicine. The Court requested that counsel for Plaintiff and counsel for John Fink, M.D. should advise by letter memorandum whether internal medicine or family medicine are "similar" fields of medicine pursuant to 18 Del. C. § 6853(c).

On March 12, 2013, counsel for John Fink, M.D. informed the Court that it agreed with Plaintiffs that a board certified internist qualified as a "similar" field of medicine to "family medicine" pursuant to 18 Del. C. § 6853(c).

Therefore, the Court finds that the affidavits comply with 18 Del. C. §6853 (a)(1) and (c).

Very truly yours,

Richard R. Cooch

RRC/ssh

CC: Prothonotary