

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

MARY E. PROSPERO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 05C-11-149-JEB
	)	
CHRISTIANA CARE HEALTH	)	
SERVICES, INC., a/k/a Christiana Care	)	
Health System Inc., a Delaware	)	
Corporation, its subsidiary Wilmington	)	
Hospital, and unknown nursing staff	)	
employees, jointly and severally,	)	
	)	
Defendants.	)	

Submitted: January 10, 2006  
Decided: January 30, 2006

*Upon Review of Plaintiff Mary E. Prospero's Affidavit of Merit.  
Affidavit Found to Comply with 18 Del. C. § 6853(a)(1) and (c).*

**ORDER**

*Appearances:*

John A. Faroane, Esquire, Wilmington, Delaware.  
Attorney for Plaintiff.

Richard Galperin, Esquire, Wilmington, Delaware.  
Attorney for Defendants.

**JOHN E. BABIARZ, JR., JUDGE**

Defendant Christiana Care Health Services has moved for an *in camera* review of the Affidavit of Merit filed with Plaintiff Mary Prospero's complaint of healthcare medical negligence. Section 6853 of Title 18 provides that no healthcare negligence lawsuit shall be filed in this State unless the complaint is accompanied by an affidavit of merit as to each defendant. The affidavit of merit must be signed by an expert witness and include a current *curriculum vitae* of the witness. The affidavit must state that there are reasonable grounds to believe that each defendant has committed healthcare negligence and that such negligence was a proximate cause of the injury or injuries alleged in the complaint. In the case at bar, the Court finds as follows:

1. The affidavit is signed by an expert witness.
2. The affidavit is accompanied by the witness' current *curriculum vitae*.
3. The affidavit sets forth the expert's opinion that there are reasonable grounds to believe that the applicable standard of care was breached by the named defendant.
4. The affidavit sets forth the expert's opinion that there are reasonable grounds to believe that specifically enumerated breaches by the defendant proximately caused the injuries claimed in the complaint.
5. The expert witness was licensed to practice medicine as of the date of the affidavit.
6. In the three years immediately preceding the alleged negligent act, the

expert witness was engaged in the treatment of patients and/or in the teaching/academic side of medicine in the field of Physical Medicine and Rehabilitation.

7. The expert witness is board-certified in Physical Medicine and Rehabilitation.

The Court has reviewed the affidavit of merit and concludes that it complies with the statutory requirements of §6853(a)(1) and (c).

***It Is So ORDERED.***

---

Judge John E. Babiarz, Jr.

JEB,Jr./ram/bjw  
Original to Prothonotary