

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

SANDRA DUNCAN, and ALLEN)
DUNCAN,)
)
Plaintiffs,) C.A. No. N12C-06-188 MMJ
)
v.)
)
CHRISTIANA CARE HEALTH)
SERVICES, INC., a Delaware)
corporation, MICHAEL SUGARMAN,)
M.D., DELAWARE)
NEUROSURGICAL GROUP, P.A.,)
JOSEPH RAMZY, M.D., and)
ADVANCED EARS, NOSE AND)
THROAT, LLC,)
)
Defendants.

Submitted: August 9, 2012
Decided: September 13, 2012

Upon Defendants' Michael Sugarman, M.D.'s
and Delaware Neurosurgical Group, P.A.'s
Request to Determine if the Affidavit of Merit
Complies with 18 Del. C. §§ 6853(a)(1) and (c)

ORDER

Section 6853(a)(1) of title 18 of the Delaware Code provides that all
healthcare negligence complaints must be accompanied by an affidavit of merit as
to each defendant signed by an expert witness, accompanied by a current

curriculum vitae of the witness, stating that there are reasonable grounds to believe that there has been healthcare medical negligence committed by each defendant.

In this case, the affidavit of merit was filed under seal, as required. Pursuant to 18 *Del. C.* § 6853(d), certain Defendants requested *in camera* review of the affidavit to determine compliance with sections 6853(a)(1) and (c). The Court has reviewed the affidavit of merit and the accompanying *curriculum vitae*.

The Court finds:

1. The affidavit is signed by an expert witness.
2. The affidavit is accompanied by a 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 each named defendant.
4. The affidavit sets forth the expert's opinion that there are reasonable grounds to believe that specifically enumerated breaches by each 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 3 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 Neurology.

7. The expert witness is board-certified in Neurology.

THEREFORE, the Court having reviewed *in camera* the affidavit of merit and accompanying *curriculum vitae* of plaintiff's expert witness, the Court finds that the affidavit of merit complies with sections 6853(a)(1) and (c) of title 18 of the Delaware Code.

IT IS SO ORDERED.

/s/ *Mary M. Johnston*
The Honorable Mary M. Johnston