

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

SANDRA J. HENRY,)
)
Plaintiff,)
) C.A. No. N13C-06-072 MMJ
v.)
)
CHRISTIANA CARE HEALTH)
SERVICES, INC.,)
)
Defendant.)

Submitted: July 25, 2013
Decided: August 5, 2013

Upon Motion of Defendant Christiana Care Health Services, Inc.
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), Defendant Christiana Care Health Services 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 Defendant.
4. The affidavit sets forth the expert's opinion that there are reasonable grounds to believe that specifically enumerated breaches by Defendant proximately caused the injuries claimed in the complaint.
5. The expert witness was licensed as a Registered Nurse 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 surgical nursing care.
7. The expert witness is board-certified as a Registered Nurse.

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