

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

ANDREW SMITH,	)	
	)	
Plaintiff,	)	
	)	C.A. No.: K26C-05-013 RLG
v.	)	
	)	
CHRISTIANA CARE	)	
HEALTH SERVICES,	)	
	)	
Defendant.	)	

Submitted: July 24, 2026
Decided: August 26, 2026

ORDER

Upon Review of the Affidavit of Merit – COMPLIANT

On July 24, 2025, Defendant Christiana Care Health Services (“CCHS”) filed a motion¹ seeking the Court’s review of Plaintiff Andrew Smith’s affidavit of merit, *in camera*, to determine whether it complies with 18 Del. C. § 6853(a)(1) and (c).² Specifically, CCHS requested the Court review the affidavit of merit to ensure: (1) it is signed by an expert witness; (2) it is accompanied by that witness’s *curriculum vitae*; (3) the expert opined there are reasonable grounds to believe that CCHS breached the applicable standard of care; (4) said breach was the proximate cause of

¹ D.I. 9.

² See 18 Del. C. § 6853(d) (“Upon motion by the defendant[,], the Court shall determine *in camera* if the affidavit of merit complies with paragraph (a)(1) and subsection (c) of this section.”).

the injuries alleged in the Complaint; (5) the expert was licensed to practice medicine as of the date of the affidavit; and (6) the *curriculum vitae* establishes the expert has been engaged in the treatment of patients, or the academic side of medicine, in the three years immediately preceding the alleged negligent act.³ Mr. Smith has filed an expert's affidavit and an accompanying *curriculum vitae*.⁴ The Court has conducted the review requested.

18 Del. C. § 6853(a) requires all healthcare negligence lawsuits be accompanied by “an affidavit of merit as to each defendant signed by an expert witness ... and 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.” Under 18 Del. C. § 6853(c), the affidavit of merit must “set forth the expert’s opinion that there are reasonable grounds to believe that the applicable standard of care was breached by the named defendant or defendants and that the breach was a proximate cause of injury or injuries claimed in the complaint.” The requirements of 18 Del. C. § 6853 “are purposefully minimal.”⁵

³ D.I. 9 at 3-4.

⁴ D.I. 1.

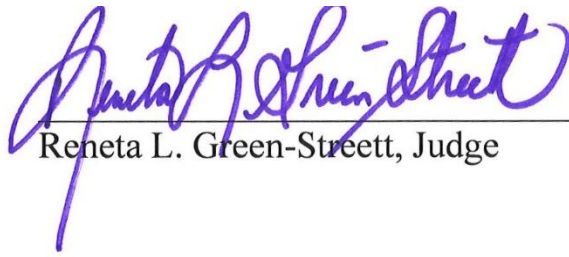
⁵ Dishmon v. Fucci, 32 A.3d 338, 342 (Del. 2011) (citing Green v. Weinger, 766 A.2d 492, 495-96 (Del. 2001)).

Having reviewed the affidavit of merit and the expert witness's *curriculum vitae*, the Court finds:

1. The expert signed the affidavit.
2. The expert attached a current *curriculum vitae*.
3. The expert is currently licensed to practice medicine.
4. The expert has been treating patients in the same or similar field of medicine as CCHS pertaining to the injuries alleged in the Complaint. Specifically, the affidavit and accompanying *curriculum vitae* identify the expert as a registered nurse with board certifications in emergency and critical care nursing. The expert possesses over thirty years of experience in nursing, and currently practices as a clinical nurse.
5. The expert opines there are reasonable grounds to believe CCHS breached the standard of care in its care of Mr. Smith. The expert further opines that breach was the proximate cause of Mr. Smith's injuries.

The affidavit of merit contains the information required by 18 Del. C. §§ 6853(a)(1) and (c) as to the allegations involving Integrated Health. Therefore, the affidavit of merit is **COMPLIANT**.

IT IS SO ORDERED.



Reneta L. Green-Streett, Judge