

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CAROL BOYINGTON,	)	
	)	
Plaintiff,	)	
	)	C.A. No.: K24C-05-008 RLG
v.	)	
	)	
REDNER’S MARKETS, INC.	)	
	)	
Defendant/	)	
Third-Party Plaintiff,	)	
	)	
INTEGRATED HEALTH	)	
ASSOCIATES, LLC,	)	
	)	
Third-Party Defendant.	)	

Submitted: July 28, 2026
Decided: August 26, 2026

ORDER

Upon Review of the Amended Affidavit of Merit – COMPLIANT

On April 8, 2025, Third-Party Defendant Integrated Health Associates, LLC, (“Integrated Health”) filed a motion¹ seeking the Court’s review of Third-Party Plaintiff Redner’s Markets, Inc.’s (“Redner’s”) affidavit of merit, *in camera*, to determine whether it complies with 18 Del. C. § 6853(a)(1) and (c).² Specifically,

¹ D.I. 52.

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.”).

Integrated Health 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) it states all opinions with a reasonable degree of medical probability; (4) the expert witness gives an opinion that there has been healthcare medical negligence by Integrated Health; (5) the expert gives an opinion that each breach by Integrated Health was a proximate cause of the injuries alleged in the Complaint; and (6) the expert's *curriculum vitae* establishes that the expert has been engaged in the treatment of patients, or in the academic side of skilled nursing, for the three years preceding the negligent act.³ The Court conducted the requested *in camera* review, and rejected the affidavit of merit for failure to comply with 18 Del. C. § 6853(a).⁴ The Court afforded Redner's an opportunity to resubmit the affidavit of merit to ensure its compliance with all the statutory requirements.⁵

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

³ D.I. 52 at 1-2.

⁴ Boyington v. Redner's Markets, Inc., 2026 WL 2065748, at *2 (Del. Super. Jul. 15, 2026).

⁵ Id.

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.”⁶

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

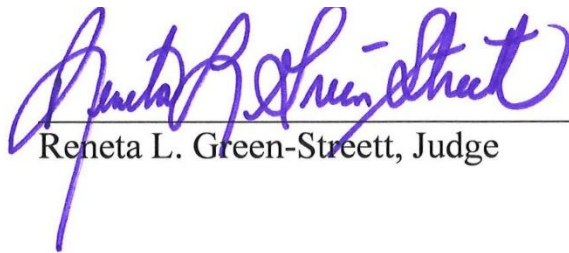
1. The expert signed the affidavit.
2. The expert attached a current *curriculum vitae*.
3. The expert is currently licensed to practice medicine.
4. The expert has been treating patients in the same or similar field of medicine as Integrated Health. Specifically, the affidavit and accompanying *curriculum vitae* note the expert’s board certification in physical medicine and rehabilitation and his experience in private practice providing treatment to patients requiring physical medicine and rehabilitation.
5. The expert opines there are reasonable grounds to believe Integrated Health breached the standard of care in its care of Plaintiff Carol

⁶ Dishmon v. Fucci, 32 A.3d 338, 342 (Del. 2011) (citing Green v. Weinger, 766 A.2d 492, 495-96 (Del. 2001)).

Boyington. The expert further opines that breach was the proximate cause of Ms. Boyington'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-Streets, Judge