

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

LUCRETIA SPENCER,	)	
	)	
Plaintiff	)	
	)	C.A. No. 07C-12-166 RRC
v.	)	
	)	
ST. FRANCIS HOSPITAL, INC.,	)	
	)	
Defendant	)	
	)	

Submitted: February 25, 2008  
Decided: March 11, 2008

Upon Defendant St. Francis Hospital's Motion to Determine if the Affidavit of Merit Complies with 18 *Del. C.* 6853 §§ (a)(1) and (c).

**ORDER**

L. Vincent Ramunno, Esquire, Rammuno, Rammuno & Scerba, P.A.,  
Wilmington, Delaware, Attorney for Plaintiff.

Amy A. Quinlan, Esquire, Morris James LLP, Wilmington, Delaware,  
Attorney for Defendant.

COOCH, J.

This 11<sup>th</sup> day of March, 2008, upon consideration of Defendant's "Motion to Determine if the Affidavit of Merit Complies with Sections (a)(1) and (c) of Title 18 § 6853," it appears to the Court that:

1. 18 *Del. C.* 6853 (a)(1) 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, and stating that there are reasonable grounds to believe that there has been healthcare medical negligence committed by each defendant.

2. In this case, the affidavit of merit was filed under seal, as required. Defendant St. Francis Hospital, Inc. moved pursuant to 18 *Del. C.* § 6853(d) for 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:

- a. The affidavit is signed by an expert witness.
- b. The affidavit is accompanied by a current *curriculum vitae*.
- c. The affidavit sets forth an expert's opinion that there are reasonable grounds to believe that the applicable standard of care was breached by each named defendant.

- d. The affidavit sets forth an 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.
  - e. The expert witness was licensed to practice medicine as of the date of the affidavit.
  - f. 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 phlebotomy.
3. Therefore the Court, having reviewed *in camera* the affidavit of merit and accompanying curriculum vitae of plaintiff's expert witness, 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.**

oc: Prothonotary