

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

RICHARD R. COOCH
RESIDENT JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 North King Street, Suite 10400
Wilmington, Delaware 19801-3733
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March 28, 2013

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**RE: Karen Arrington, Individually and as Personal
Representative of the Estate of Paul Arrington, Stacy**

**Arrington, and Paul Arrington v. Bayhealth Medical
Center, Inc., John Fink, M.D., and Bhavin Dave, M.D.
C.A. No. N12C-10-132-RRC**

On Defendant John Fink M.D.'s
Motion to Determine if the Affidavit of Merit Complies
with Sections (a)(1) and (c) of TITLE 18 § 6853

Submitted: January 31, 2013
Decided: March 28, 2013

AFFIDAVIT FOUND TO BE COMPLIANT WITH 18 DEL. C. § 6853.

Dear Counsel:

On January 31, 2013, Defendant John Fink, M.D., filed a Motion to Determine if the Affidavit of Merit complies with Section a(1) and (c) of Title 18 §6853.

On February 26, 2013, the Court informed counsel that after reviewing the two Affidavits of Merit filed in this case, an Affidavit had been provided from an expert board certified in internal medicine, whereas, John Fink, M.D., is board certified in family medicine. The Court requested that counsel for Plaintiff and counsel for John Fink, M.D. should advise by letter memorandum whether internal medicine or family medicine are “similar” fields of medicine pursuant to 18 *Del. C.* § 6853(c).

On March 12, 2013, counsel for John Fink, M.D. informed the Court that it agreed with Plaintiffs that a board certified internist qualified as a “similar” field of medicine to “family medicine” pursuant to 18 *Del. C.* § 6853(c).

Therefore, the Court finds that the affidavits comply with 18 *Del. C.* §6853 (a)(1) and (c).

Very truly yours,

Richard R. Cooch

RRC/ssh
CC: Prothonotary