IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

MICHELLE REINCKE,)
      Plaintiff,)
)
    v.) C.A. No.: 12C-03-052 FSS
) **(E-FILED)**
ALL ABOUT WOMEN OF)
CHRISTIANA CARE, INC.,)
      Defendant.)

Submitted: April 2, 2012
Decided: April 9, 2012

ORDER

Upon Review of the Affidavit of Merit

On April 2, 2012, Defendant moved to have the court review Plaintiff's

affidavit of merit, *in camera*, to determine if it complies with 18 *Del. C.* § 6853(c).[1]

In Delaware, a healthcare negligence lawsuit cannot be filed without an affidavit of

merit, signed by an expert witness, and filed with the expert's current *curriculum*

vitae.[2] The expert must be licensed to practice medicine as of the affidavit's date, and

must have been engaged in the same or similar field as the defendant in the three

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[1] 18 *Del. C.* § 6853(d).

[2] *Id.* § 6853(a)(1).

years immediately preceding the alleged negligence.[3] The affidavit must state that reasonable grounds exist to believe the defendant was negligent, and that negligence proximately caused Plaintiff's injury.[4]

After *in camera* review, 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 is Board certified in obstetrics and gynecology;

5. The expert has been treating patients and teaching medicine in the same field as Defendant for at least three years immediately preceding the alleged negligence;

6. The affidavit states a reasonable ground exists to believe Defendant breached its standard of care to Plaintiff; and

7. The expert states Defendant's breach proximately caused Plaintiff's injuries.

Considering the above, the court finds that the affidavit of merit complies with 18 *Del. C.* § 6853(a) and (c).

IT IS SO ORDERED.

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/s/ Fred S. Silverman
Judge

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[3] *Id.* § 6853(c).

[4] *Id.*

cc: Prothonotary (Civil)

pc: Ben T. Castle, Esquire
        Andrew W. Vernick, Esquire
        Gregory S. McKee, Esquire
        Joshua H. Meyeroff, Esquire