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

SYLVIE HAKIZIMANA as Administrator		
of the Estate of ETIENNE RUKUNDO)	
BAGIRIMVANO,)	
Plaintiff))	
V.) C.A. No.: 10C-09-122 FS) (E-FILED)	S
CHRISTIANA CARE HEALTH) (211222)	
SERVICES D/B/A CHRISTIANA)	
HOSPITAL,)	
)	
Defendant.)	

Submitted: November 22, 2010 Decided: November 24, 2010

ORDER

Upon Review of the Affidavit of Merit

This is Plaintiff's second attempt to comply with 18 *Del. C.* § 6853(a)(1) and (c) in a wrongful death suit based on Defendant's alleged healthcare negligence. In Delaware, a healthcare negligence lawsuit cannot be filed unless an affidavit of merit signed by the expert witness is accompanied by the expert's current *curriculum vitae*. Plaintiff's first attempt failed because she did not include the expert's current

¹ 18 Del. C. § 6853(a).

curriculum vitae. Without that, the court could not determine if the expert, "in the 3

years immediately preceding the alleged negligent act[,] ha[d] been engaged in the

treatment of patients and/or in the teaching/academic side of medicine in the same

or similar field of medicine as the defendant(s)."2 The court granted Plaintiff an

additional twenty days to file the expert's current curriculum vitae.

Plaintiff has timely submitted the expert's current curriculum vitae.

After reviewing it, in camera, the court is satisfied the expert was treating patients as

an attending physician in the field of Nephrology for three years immediately

preceding the alleged negligent act. Therefore, the court finds that the affidavit of

merit now complies with 18 Del. C. § 6853(a)(1) and (c).

IT IS SO ORDERED.

/s/ Fred S. Silverman

Judge

cc: Prothonotary

Richard Galpern, Esquire

Eric B. Pearson, Esquire

Lisa M. Grubb, Esquire

² 18 Del. C. § 6853(c).

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