

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

DORIS JOYNER,)
)
 Plaintiff,)
)
 v.) C. A. No. N15C-05-177 MMJ
)
 810 BROOM STREET)
 OPERATIONS, LLC d/b/a)
 HILLSIDE CENTER and)
 EMILY PALMER,)
)
 Defendants.)

Submitted: February 4, 2016

Decided: February 10, 2016

Upon Defendants' Motion to Determine if Plaintiff's Affidavits of Merit
Comply with 18 *Del. C.* §§ 6853(a)(1) and (c)

ORDER

Section 6853(a)(1) of title 18 of the Delaware Code 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, stating that there are reasonable grounds to believe that there has been healthcare medical negligence committed by each defendant.

In this case, two affidavits of merit were filed under seal, as required. Pursuant to 18 *Del. C.* § 6853(d), Defendants requested *in camera* review of both affidavits to

determine compliance with sections 6853(a)(1) and (c). The Court has reviewed the affidavits of merit and the accompanying *curriculum vitae*. The Court finds:

1. Both affidavits are signed by an expert witness.
2. Both affidavits are accompanied by current *curriculum vitae*.
3. Both affidavits set forth the experts' opinions that there are reasonable grounds to believe that the applicable standard of care was breached by defendants.
4. Both affidavits set forth the experts' opinions that there are reasonable grounds to believe that specifically enumerated breaches by defendants proximately caused the injuries claimed in the complaint.
5. The expert witness who signed the affidavit filed January 5, 2016 was licensed to practice medicine as of the date of the affidavit. 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 Internal Medicine. The expert witness is board-certified in Internal Medicine. The expert opined as to both defendants.
6. The expert witness who signed the affidavit filed January 14, 2016 was licensed to practice as an Occupational Health/Ergonomics Assessment Specialist as of the date of the affidavit. In the 3 years immediately preceding the alleged negligent act, the expert witness was engaged in the treatment of patients as a Physical Therapist Assistant. The expert witness is board-certified as an

Occupational Health and Safety Specialist. The expert opined as to both defendants.

THEREFORE, the Court having reviewed *in camera* the affidavits of merit and accompanying *curriculum vitae* of plaintiff's expert witnesses, the Court finds that both affidavits of merit comply with sections 6853(a)(1) and (c) of title 18 of the Delaware Code.

IT IS SO ORDERED.

/s/ Mary M. Johnston
The Honorable Mary M. Johnston