

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

RODNEY SMITH, Individually and as :
Administrator of The ESTATE OF :
WILHELMINA SMITH and :
LAUREN HUNTER, MICHAEL : C.A. No: K21C-06-010 JJC
BROWN, AND AUTUMN J. SMITH :
:
Plaintiffs, :
:
:
v. :
:
:
BAYHEALTH MEDICAL CENTER :
INC., d/b/a KENT GENERAL :
HOSPITAL, and SHARIF GOBRAN, :
M.D., :
:
Defendants. :

Submitted: September 14, 2021
Decided: September 22, 2021

ORDER

***Upon Review of the Affidavit of Merit -
COMPLIANT***

On this 22nd day of September 2021, having received Defendant Sharif Gobran, M.D.’s request that the Court review Plaintiffs Rodney Smith, The Estate of Wilhelmina Smith, Lauren Hunter, Michael Brown, and Autumn Smith’s affidavit of merit for sufficiency as to Dr. Gobran, it appears that:

1. Defendant Bayhealth Medical Center, Inc. (“Bayhealth”) previously

requested that the Court review the Plaintiff's affidavit of merit for sufficiency as to Bayhealth. On July 21, 2021, the Court unsealed the affidavit and reviewed it *in camera*.

2. The Court then issued an Order finding the affidavit sufficient as to both Defendants.¹ Though the Court prematurely examined the affidavit as to Dr. Gobran, and did so absent a request,² the Court nevertheless found that the affidavit complied with 18 *Del. C.* §6853(a)(1) and (c) as to Dr. Gobran.³

WHEREFORE, the Estate's affidavit of merit complies with 18 *Del. C.* §6853(a)(1) and (c) as to Dr. Gobran for the reasons discussed in the Court's Order dated July 23, 2021.

IT IS SO ORDERED.

/s/ Jeffrey J Clark
Resident Judge

JJC:klc
Via File & Serve Express

¹ *Smith v. Bayhealth Med., and Sharif Gobran, M.D.*, 2021 WL 3127120 (Del. Super. July 23, 2021).

² At the time of the Court's Order, counsel had not yet entered their appearance on behalf of Dr. Gobran.

³ *Smith*, 2021 WL 3127120, at *1-2.