



no reference to EMA.

In opposition, the Hudson TPPs first argue that the statute does not require that the affidavit of merit identify a defendant by name, citing the decision of the Appellate Division in Medeiros v. O'Donnell & Naccarato, Inc., 347 N.J. Super. 536, 540 (N.J. Super. Ct. App. Div. 2002). The problem for the Hudson TPPs is that, in Medeiros, the court found that it was sufficient that the affidavit of merit identify the single defendant by a description. Id. at 542. In the instant case, in contrast, there are multiple defendants, and the affidavit of merit contains nothing from which this Court could infer that Dr. Sixsmith meant for it to assert that Emergency Medical Associates had been negligent in the treatment of Plaintiff. The affidavit of merit neither names nor otherwise describes EMA.

The Hudson TPPs failed to file the affidavit of merit required by N.J. Stat. Ann. § 2A:53A-27 against Defendant Emergency Medical Associates. As to Emergency Medical Associates only, the motion to dismiss will be granted, and the Third Party Complaint against Defendant Emergency Medical Associates will be dismissed with prejudice.

For the reasons above,

**IT IS** on this 4th day of May, 2016,

**ORDERED** that EMA's motion to dismiss for failure to provide an affidavit of merit (Docket Entry No. 113) is **GRANTED**; and, as to Defendant Emergency Medical Associates only, the Third Party Complaint is **DISMISSED** with prejudice.

s/ Stanley R. Chesler  
Stanley R. Chesler, U.S.D.J.