

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

SHARYN L. KUHN, wife of ROLAND L.)
KUHN, JR., deceased, and SHARON L.)
KUHN, in her own right,)

Plaintiff,)

v.)

C. A. No. 05C-11-092-JEB

CHRISTIANA CARE HEALTH)
SERVICES, INC., and)
HOSPITALISTS OF DELAWARE,)

Defendants.)

Submitted: January 9, 2006

Decided: January 31, 2006

*Upon Review of Plaintiff's Affidavit of Merit.
Affidavit Found to Be Non-Compliant with 18 Del. C. § 6853(a)(1) and (c).
Case Dismissed.*

ORDER

Appearances:

Sharyn L. Kuhn, Pro Se, 503 Lambda Circle Apt. G.,
Wernersville, PA 19565.

Amy A. Quinlan, Esquire, Wilmington, Delaware.
Attorney for Christiana Care Health Services, Inc.

Mason E. Turner, Jr., Esquire, Wilmington, Delaware.
Attorney for Hospitalists of Delaware.

JOHN E. BABIARZ, JR., JUDGE

Defendant Christiana Care Health Services, Inc. and Defendant Hospitalists of Delaware have filed motions for the Court to determine whether the Affidavit of Merit filed with Plaintiff Sharyn Kuhn's healthcare negligence lawsuit complies with the requirements of 18 *Del. C.* § 6853(a)(1) and (c).

Plaintiff's submission was filed under seal, as required, and was accompanied by the expert's curriculum vitae, which shows that he is a physician who is licensed to practice medicine and has been engaged in the practice and/or teaching of internal and pulmonary medicine in the three years immediately preceding the alleged negligent acts. To this extent, the submission meets the statutory requirements.

However, the Court finds that Plaintiff's submission fails to comply with the requirements of § 6853(a)(1) and (c) in the following ways:

1. The submission from the expert witness is a letter, not a notarized affidavit.
2. The letter does not offer the expert's opinion that there are reasonable grounds to believe that the applicable standard of care was breached by each Defendant.
3. The letter does not offer the expert's opinion that each Defendant's alleged breach of the standard of medical care was a proximate cause of the injuries claimed in the Complaint.

The Court concludes that Plaintiff has not filed an Affidavit of Merit in

compliance with § 6853. Because a fully compliant Affidavit of Merit is required for any healthcare negligence lawsuit to proceed in this State, and because Plaintiff has already been granted the statutory 60-day extension period, the Complaint is *Dismissed.*

It Is So ORDERED.

Judge John E. Babiarz, Jr.

Original to Prothonotary
JEB,jr/ram/bjw