



Implications Of *Trenk Dipasquale v. Industrial Urban*, *Law360*, by Iram Valentin and David Gittines

On March 30, 2016, *Law360* published an expert analysis of *Trenk* and the NJ affidavit of merit statute, written by Iram P. Valentin and David J. Gittines, both from the New Jersey office of Kaufman Dolowich & Voluck, LLP.

New Jersey's Affidavit of Merit Statute, N.J.S.A. 2A:53A-27, et seq., was designed "to weed out frivolous lawsuits at an early stage and to allow meritorious cases to go forward by requiring a plaintiff in a malpractice case to make a threshold showing that the claims asserted are meritorious." *N.H. Ins. Co. v. Diller*, 678 F. Supp. 2d 288, 307 (D.N.J. 2009), citing *Galik v. Clara Maass Med Ctr.*, 167 N.J. 341 (2001).

Pursuant to the statute, a plaintiff in a professional negligence action against certain enumerated professionals, including attorneys and insurance producers, is required to "within 60 days following the date of the filing of the answer to the complaint by defendant, provide each defendant with an affidavit of an appropriate licensed person that there exists a reasonable probability that the care, skill or knowledge exercised or exhibited in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional or occupational standards or treatment practices." See N.J.S.A. 2A:53A-27.