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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-4821-16T4

JAMES WALSH as Administrator
ad Prosequendum of the Estate
of JOHN PATRICK WALSH, JR.,
Deceased,

Plaintiff-Appellant,

v.

BARNABAS HEALTH COMMUNITY
MEDICAL CENTER,

Defendant-Respondent.

Argued May 15, 2018 – Decided May 22, 2018

Before Judges Fisher and Fasciale.

On appeal from Superior Court of New Jersey,
Law Division, Ocean County, Docket No. L-1589-
16.

Lynette Siragusa argued the cause for
appellant (Siragusa Law Firm, LLC, attorneys;
Lynette Siragusa, of counsel and on the
briefs; Robert D. Bailey, on the brief).

John M. Hockin, Jr. argued the cause for
respondent (Ronan Tuzzio & Giannone, PC,
attorneys; Lauren H. Zalepka, of counsel and
on the brief; Nicole M. Geraci, on the brief).

PER CURIAM

Plaintiff appeals from an order dismissing the complaint for failure to serve a timely Affidavit of Merit (AOM) as required by the AOM statute, N.J.S.A. 2A:53A-26 to -29. We conclude that plaintiff's arguments are without sufficient merit to warrant discussion in a written opinion, R. 2:11-3(e)(1)(E), and affirm substantially for the reasons expressed by Judge James Den Uyl in his written opinion. We add the following brief remarks.

The decedent sought medical treatment at the Community Medical Center (defendant). A licensed nurse practitioner in the emergency department examined decedent, ordered a urine test, and discharged him. Within a week, decedent committed suicide. Plaintiff sued defendant, a licensed health care facility, not the nurse practitioner.

Defendant filed its answer on November 3, 2016. On January 4, 2017, the judge conducted a Ferreira¹ conference and extended the AOM deadline sixty days. Although service of the AOM was due no later than March 3, 2017, plaintiff served it on April 11, 2017. Plaintiff therefore failed to "state a cause of action." N.J.S.A. 2A:53A-29. Plaintiff's purported reason for missing the deadline – difficulty finding an appropriate expert – is

¹ Ferreira v. Rancocas Orthopedic Assocs., 178 N.J. 144 (2003).

insufficient to establish exceptional circumstances to extend the
deadline.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION