

SUPREME COURT OF HAWAII

Savini v. University of Hawai'i

113 Haw. 459 (2007) · Decided March 19, 2007

SUMMARY

The Hawai‘i Supreme Court considered whether the Savinis’ tort claim against the University of Hawai‘i accrued on the date of a motor vehicle accident or when their medical expenses exceeded the applicable no-fault medical-rehabilitative threshold. The court held that the claim accrued only when actual incurred or paid expenses exceeded that threshold and workers’ compensation benefits had ceased. The court affirmed the circuit court’s order denying the University’s motion to dismiss as untimely.

CASE DETAILS

COURT	Supreme Court of Hawai'i
WRITING FOR THE COURT	Levinson, J.; Acoba, J.; Duffy, J.; Moon, C.J.; Nakayama, J.
JURISDICTION	Hawaii
DECIDED	March 19, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from an order denying the University of Hawai'i's motion to dismiss the Savinis' first amended tort complaint as barred by the statute of limitations.
STANDARD OF REVIEW	The court reviewed the denial of the motion under the de novo summary-judgment standard because matters outside the pleadings were presented and relied upon. Statutory interpretation is also reviewed de novo.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Hawai'i.
PARTIES	University of Hawai'i v. Sosaiete L. Savini, Bette Savini

TOPICS

- statute of limitations
- statutory interpretation
- motions to dismiss
- interlocutory appeal
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- statute of limitations
- torts
- insurance

QUESTIONS PRESENTED

1. Whether a tort claim arising from a motor-vehicle accident accrues for purposes of HRS § 662-4 when the accident occurs or when the plaintiff actually incurs or receives sufficient medical-rehabilitative expenses to exceed the statutory tort threshold.
2. Whether the University of Hawai'i's sovereign status changes the accrual rule or prevents application of the motor-vehicle insurance law's delayed accrual provisions.
3. Whether the circuit court properly denied UH's motion to dismiss after considering matters outside the pleadings.

HOLDINGS

1. Under Hawai'i law, a plaintiff relying on the medical-expense threshold has no viable tort claim, and the limitations period does not begin to run, until the plaintiff or a collateral source has actually incurred expenses exceeding the statutory medical-rehabilitative threshold.
2. The Savinis' claim accrued when the medical-expense threshold was exceeded and workers' compensation benefits had ceased; UH's sovereign status did not alter that accrual date.
3. The Savinis' April 3, 2001 complaint and June 5, 2001 first amended complaint were timely because the medical threshold was apparently exceeded on October 23, 2000.

KEY QUOTATIONS

*“Nevertheless, we conclude that, under Hawai'i law, a plaintiff who relies on the medical-expense threshold as opposed to a verbal threshold, see *supra* note 4, has no claim at all, and the statute of limitations does not begin to run, until the plaintiff has actually received the requisite amount of “reasonably necessary” medical-rehabilitative treatment, as manifested through bills received or paid.”* (113 Haw. at 465)

*“In light of the foregoing analysis, we hold that the Savinis’ two-year limitation period under HRS § 662-4, see *supra* note 1, began to run as soon as (1) the Savinis had incurred or paid actual expenses sufficient to exceed the medical-rehabilitative limit and (2) So-saiete’s workers’ compensation benefits had ceased.”* (113 Haw. at 468)

FACTUAL BACKGROUND

On November 13, 1997, University of Hawai'i professor Thomas T. Bopp, while driving a State-owned vehicle at Honolulu International Airport, struck and injured Sosaiete Savini, allegedly causing emotional distress to Bette Savini. The Savinis initially sued the State and Bopp on April 3, 2001, then filed a materially identical amended complaint substituting UH as the defendant on June 5, 2001. Sosaiete's workers' compensation benefits apparently exceeded the applicable \$13,900 medical-rehabilitative threshold on October 23, 2000.

PROCEDURAL HISTORY

The Savinis sued after a motor-vehicle accident involving a University of Hawai'i professor. The circuit court denied UH's motion to dismiss under HRS § 662-4 and HRCP Rule 12(b), concluding that the claim accrued only when medical or rehabilitative expenses exceeded the applicable tort threshold. The circuit court permitted an interlocutory appeal, and UH timely appealed.

DISPOSITION

affirmed

CASES CITED

- *Waugh v. University of Hawai'i*, 63 Haw. 117, 621 P.2d 957 (1981)
- *Bissen v. Fujii*, 51 Haw. 636, 466 P.2d 429 (1970)
- *Teller v. Teller*, 99 Hawai'i 101, 53 P.3d 240 (2002)
- *Stubbs v. Mississippi Farm Bureau Casualty Insurance Co.*, 825 So. 2d 8 (Miss. 2002)
- *Hawai'i County Federal Credit Union v. Keka*, 94 Hawai'i 213, 11 P.3d 1 (2000)
- *Querubin v. Thronas*, 107 Hawai'i 48, 109 P.3d 689 (2005)
- *Durette v. Aloha Plastic Recycling, Inc.*, 105 Hawai'i 490, 100 P.3d 60 (2004)
- *Simmons v. Puu*, 105 Hawai'i 112, 94 P.3d 667 (2004)
- *Kahale v. City & County of Honolulu*, 104 Hawai'i 341, 90 P.3d 233 (2004)
- *Liberty Mutual Fire Insurance Co. v. Dennison*, 108 Hawai'i 380, 120 P.3d 1115 (2005)
- *Labrador v. Liberty Mutual Group*, 103 Hawai'i 206, 81 P.3d 386 (2003)
- *Gray v. Administrative Director of the Court*, 84 Hawai'i 138, 931 P.2d 580 (1997)
- *Wright v. Home Depot U.S.A., Inc.*, 111 Hawai'i 401, 142 P.3d 265 (2006)
- *Taylor-Rice v. State*, 105 Hawai'i 104, 94 P.3d 659 (2004)
- *Fought & Co. v. Steel Engineering & Erection Co.*, 87 Hawai'i 37, 951 P.2d 487 (1998)
- *Whittington v. State*, 72 Haw. 77, 806 P.2d 957 (1991)
- *Blair v. Ing*, 95 Hawai'i 247, 21 P.3d 452 (2001)
- *Hays v. City & County of Honolulu*, 81 Hawai'i 391, 917 P.2d 718 (1996)
- *Wollman v. Gross*, 637 F.2d 544 (8th Cir. 1980)
- *Mendiola v. United States*, 401 F.2d 695 (5th Cir. 1968)
- *United States v. Webb Trucking Co.*, 141 F. Supp. 573 (D. Del. 1956)
- *Ruf v. Honolulu Police Department*, 89 Hawai'i 315, 972 P.2d 1081 (1999)
- *Au v. Au*, 63 Haw. 210, 626 P.2d 173 (1981)
- *Stackhouse v. Schneider*, 559 A.2d 306 (D.C. 1989)
- *Bussineau v. President & Directors of Georgetown College*, 518 A.2d 423 (D.C. 1986)

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