

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAI‘I

Sara Kahler, individually and as next friend for K.K., a minor, and
Tylor Kahler v. United States of America, et al.

Kahler · No. 23-cv-00300-DKW-WRP · Decided May 11, 2026

SUMMARY

Findings of Fact and Conclusions of Law in a Federal Tort Claims Act medical malpractice action arising from prenatal care and the delivery of K.K. at Tripler Army Medical Center. The court addresses alleged medical negligence and negligent failure to obtain informed consent concerning fetal-weight estimation, shoulder dystocia management, and K.K.’s subsequent ischemic stroke. The excerpt begins the court’s legal analysis but does not include a disposition.

CASE DETAILS

COURT	United States District Court for the District of Hawai‘i
WRITING FOR THE COURT	Derrick K. Watson
JURISDICTION	United States District Court for the District of Hawai‘i
DECIDED	May 11, 2026
DOCKET	23-cv-00300-DKW-WRP
DISPOSITION	other
PROCEDURAL POSTURE	Following a seven-day nonjury trial in an action under the Federal Tort Claims Act, the district court issued findings of fact and conclusions of law under Federal Rule of Civil Procedure 52(a).
STANDARD OF REVIEW	In this bench trial, Plaintiffs bore the burden of proving each claim by a preponderance of the evidence. The court applied Hawai‘i substantive law under the Federal Tort Claims Act and made findings under Federal Rule of Civil Procedure 52(a).
PRECEDENTIAL VALUE	Nonprecedential district-court findings of fact and conclusions of law; persuasive only.
PARTIES	Sara Kahler, individually and as next friend for K.K., a minor, and Tylor Kahler v. United States of America, et al.

TOPICS

- medical malpractice
- informed consent
- professional negligence
- negligence
- civil procedure

PRACTICE AREAS

medical malpractice

Federal Tort Claims Act

informed consent

civil procedure

QUESTIONS PRESENTED

1. Whether Tripler personnel breached the Hawai‘i medical-negligence standard of care by using a Leopold examination rather than an ultrasound to estimate fetal weight or by having a less-experienced physician perform the examination.
2. Whether Plaintiffs proved that the alleged breach was a substantial factor in causing K.K.’s injuries.
3. Whether Sara’s physicians had a duty to offer a caesarean delivery and thereby breached the Hawai‘i informed-consent standard.
4. Whether Plaintiffs proved that a different fetal-weight estimation method or practitioner probably would have produced an estimated fetal weight of at least 5,000 grams and triggered a duty to discuss caesarean delivery.

HOLDINGS

1. Plaintiffs failed to prove that Defendant breached the applicable medical standard of care. For a patient such as Sara with no clinical indication for an ultrasound, the applicable standard permitted obtaining an estimated fetal weight by either Leopold examination or ultrasound before delivery, and Dr. Pyskir was sufficiently experienced to perform the Leopold examination.
2. Plaintiffs failed to prove by a preponderance of the evidence that the alleged failure to use ultrasound or a more experienced practitioner, or the maneuvers used to relieve shoulder dystocia, was a substantial factor in causing the complained-of injuries.
3. Plaintiffs failed to prove that Sara’s physicians owed a duty to offer a caesarean delivery or that they breached an informed-consent duty.

KEY QUOTATIONS

“In Hawai‘i, a claim of medical negligence has the following elements: (1) a duty owed by the defendant to the plaintiff; (2) a breach of that duty; and (3) a causal relationship between the breach and the injury suffered.” (21-22)

“Under Hawai‘i’s “causal relationship” test, the defendant’s conduct must be a “substantial factor” in bringing about the complained-of harm to the plaintiff.” (22)

“This means that a physician must disclose “what a reasonable patient needs to hear from his or her physician in order to make an informed and intelligent decision regarding treatment[.]”” (23-24)

FACTUAL BACKGROUND

Sara Kahler received prenatal care at Tripler Army Medical Center during her pregnancy with K.K. Although Sara was obese and had excessive pregnancy weight gain, the court found no clinical indication requiring a late-pregnancy ultrasound or treatment as high risk. On admission for labor, a first-year resident estimated K.K.’s fetal weight at 3,600 grams by Leopold examination; K.K. was later born weighing 4,990 grams after a shoulder

dystocia that was relieved in approximately 90 seconds. K.K. subsequently suffered seizures and an ischemic stroke, but the court found that the delivery maneuvers were performed within the standard of care and were not shown to have caused the stroke or other complained-of harm.

PROCEDURAL HISTORY

Plaintiffs sued the United States asserting medical negligence and negligent failure to provide informed consent arising from the delivery of K.K. at Tripler Army Medical Center. After a nonjury trial from January 26 through February 3, 2026, the court concluded that Plaintiffs failed to prove breach and causation as to medical negligence and failed to prove a duty and breach as to informed consent. The court directed entry of judgment for the United States and denied as moot the government's motion to strike an errata sheet.

DISPOSITION

other

CASES CITED

- Estate of Frey v. Mastroianni, 463 P.3d 1197, 1207, 1214 (Haw. 2020)
- Craft v. Peebles, 893 P.2d 138, 149 (Haw. 1995)
- Barcai v. Betwee, 50 P.3d 946, 959-960 (Haw. 2002)

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