

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

Ricci v. Carp

Ricci · No. CAAP-24-0000770 · Decided May 22, 2026

SUMMARY

The Hawai‘i Intermediate Court of Appeals affirmed summary judgment for the medical-provider defendants in Gary J. Ricci’s medical malpractice action. The court held that the defendants satisfied their initial summary-judgment burden through expert declarations and reports, while Ricci offered no expert medical testimony establishing breach of the standard of care or a genuine issue for trial.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai‘i
WRITING FOR THE COURT	Karen T. Nakasone, Chief Judge; Katherine G. Leonard, Associate Judge; Kimberly T. Guidry, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	May 22, 2026
DOCKET	CAAP-24-0000770
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from the Circuit Court of the Second Circuit's entry of summary judgment for the medical-provider defendants in a medical malpractice action.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Summary judgment is appropriate when the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; evidence and reasonable inferences are viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Unpublished summary disposition order; not for publication in the Hawai‘i Reports and Pacific Reporter.
PARTIES	Gary J. Ricci v. Gerald Carp, M.D., Aloha Eye Clinic, Dr. Thomas Kropp, Dr. Claudia Hooten, Bennett Eye Institute, Does 1-10

TOPICS

- medical malpractice
- summary judgment
- standard of review
- appellate procedure
- professional negligence

PRACTICE AREAS

appellate procedure

medical malpractice

civil procedure

summary judgment

QUESTIONS PRESENTED

1. Whether the circuit court properly granted summary judgment to the medical-provider defendants.
2. Whether Ricci could establish negligent medical treatment without presenting his own expert medical testimony.
3. Whether Ricci's failure to comply precisely with Hawai'i Rules of Appellate Procedure Rule 28(b) required dismissal or foreclosed consideration of his appeal.

HOLDINGS

1. A pro se litigant's failure to state alleged errors in precise compliance with HRAP Rule 28(b) does not foreclose consideration of an appeal when the litigant's argument can reasonably be discerned.
2. The grant of summary judgment was proper because the medical-provider defendants met their initial burden with expert evidence, and Ricci failed to present specific facts establishing a genuine issue for trial.
3. As a general rule, a medical malpractice claim based on negligent treatment cannot be established without expert medical testimony addressing the applicable medical standard of care.

KEY QUOTATIONS

"On appeal, the grant or denial of summary judgment is reviewed de novo." (at 2)

"[S]ummary judgment is appropriate if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." (at 2-3)

"[U]nlike the ordinary negligence case, it is the general rule that a malpractice case based on negligent treatment cannot be established without expert medical testimony to support it." (at 4)

FACTUAL BACKGROUND

Ricci brought medical malpractice claims against several ophthalmologists and eye-care entities. The defendants submitted expert declarations and reports opining that their treatment satisfied the applicable ophthalmological standard of care and that no negligent act or omission caused Ricci's alleged injuries. Ricci had not retained or presented expert medical testimony by the discovery cutoff and proposed instead to use the defendants' experts and deposition testimony to support his claims.

PROCEDURAL HISTORY

Ricci filed a medical malpractice action against the medical-provider defendants. After the discovery deadline had passed, the defendants moved for summary judgment supported by ophthalmology expert declarations and reports. The circuit court granted the motions and entered final judgment on November 1, 2024. Ricci appealed, and the Intermediate Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Erum v. Llego, 147 Hawai‘i 368, 380, 465 P.3d 815, 827 (2020)
- Ralston v. Yim, 129 Hawai‘i 46, 55-57, 60, 292 P.3d 1276, 1285-87, 1290 (2013)
- Bernard v. Char, 79 Hawai‘i 371, 377, 903 P.2d 676, 682 (App. 1995)
- Craft v. Peebles, 78 Hawai‘i 287, 298, 893 P.2d 138, 149 (1995)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/intermediate-court-of-appeals-of-the-state-of-hawai-i-intermediate-court-of-appeals-of-the-state-of/2026/ricci-v-carp-av36ctuo>