

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI‘I

**In re: Request for Payment of Christopher Lawinski, M.D., as
Provider for Sean Tilton v. Scott Saiki, Insurance Commissioner,
Department of Commerce and Consumer Affairs, State of Hawai‘i,
and United Services Automobile Association**

Lawinski v. Saiki · No. CAAP-XX-XXXXXXX · Decided February 26, 2026

SUMMARY

The Hawai‘i Intermediate Court of Appeals denied Christopher Lawinski, M.D.’s motion to supplement the appellate record and for reconsideration of a summary disposition order. The court held that the motion did not identify points of law or fact overlooked or misapprehended and that the proposed 2023 document was new evidence outside the appellate record.

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; Sonja M.P. McCullen, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	February 26, 2026
DOCKET	CAAP-XX-XXXXXXX
DISPOSITION	other
PROCEDURAL POSTURE	The appellant-provider moved under Hawai‘i Rules of Appellate Procedure Rule 40 for reconsideration of a summary disposition order and sought to supplement the appellate record with a new document.
PRECEDENTIAL VALUE	Unpublished and not for publication in West's Hawai‘i Reports and Pacific Reporter
PARTIES	Christopher Lawinski, M.D., as Provider for Sean Tilton v. Scott Saiki, Insurance Commissioner, Department of Commerce and Consumer Affairs, State of Hawai‘i, United Services Automobile Association

TOPICS

- appellate procedure
- preservation of error
- insurance
- administrative law

PRACTICE AREAS

appellate procedure

insurance

administrative law

QUESTIONS PRESENTED

1. Whether the motion for reconsideration complied with Hawai‘i Rules of Appellate Procedure Rule 40(b) by identifying particular points of law or fact that the court had overlooked or misapprehended.
2. Whether the appellate record could be supplemented under Hawai‘i Rules of Appellate Procedure Rule 10(e) to include a new document that was not omitted by error or accident.
3. Whether the appellate court could consider argument based on evidence outside the record.

HOLDINGS

1. A motion for reconsideration must state with particularity the points of law or fact that the court allegedly overlooked or misapprehended; the appellant's motion did not satisfy that requirement.
2. HRAP Rule 10(e) does not permit supplementation to introduce an entirely new document that was not omitted from the record by error or accident.
3. An appellate court cannot consider new evidence outside the record on appeal.

KEY QUOTATIONS

“We do not consider this argument, and the request for such supplementation is denied.” (at 2)

“Every appeal shall be taken on the record, and no new evidence shall be introduced in the supreme court.”
(at 2)

FACTUAL BACKGROUND

The appellant sought to rely on a 2023 document that was not included in the appellate record. The document was not omitted from the record by error or accident; rather, the appellant sought to introduce it for the first time on appeal. The court declined to consider arguments based on the document and denied supplementation.

PROCEDURAL HISTORY

The Intermediate Court of Appeals had previously filed a summary disposition order on February 13, 2026. The appellant then filed a motion for reconsideration and to supplement the record with a 2023 document that was not part of the record. The court denied the motion because it did not identify overlooked or misapprehended points of law or fact and sought to introduce new evidence on appeal.

DISPOSITION

other

CASES CITED

- State v. Moses, 102 Hawai‘i 449, 455, 77 P.3d 940, 946 (2003)

- Alford v. City & County of Honolulu, 109 Hawai‘i 14, 25 n.18, 122 P.3d 809, 820 n.18 (2005)

OPINION

PER CURIAM.

NOT FOR PUBLICATION IN WEST'S HAWAI‘I REPORTS AND PACIFIC REPORTER
Electronically Filed Intermediate Court of Appeals CAAP-XX-XXXXXXX 26-FEB-2026 08:05
AM Dkt. 66 ODMR NO. CAAP-XX-XXXXXXX IN THE INTERMEDIATE COURT OF
APPEALS OF THE STATE OF HAWAI‘I In the Matter of the Request for Payment of,
CHRISTOPHER LAWINSKI, M.D., as Provider for Sean Tilton, Appellant-Provider-Appellant,
vs. SCOTT SAIKI, INSURANCE COMMISSIONER, DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS, STATE OF HAWAI‘I, Appellee-Appellee, and UNITED SERVICES
AUTOMOBILE ASSOCIATION, Appellee-Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT (CIVIL NO. 3CCV-XX-XXXXXXX) ORDER (By: Nakasone, Chief Judge, Leonard and McCullen, JJ.) Upon consideration of Appellant-Provider-Appellant Christopher Lawinski, M.D.'s (Dr. Lawinski) February 22, 2026 "Motion to Supplement Record on Appeal[;] Motion for Reconsideration of Summary Disposition Order" (Motion) from the Intermediate Court of Appeals Summary Disposition Order filed on February 13, 2026, pursuant to Hawai‘i Rules of Appellate NOT FOR PUBLICATION IN WEST'S HAWAI‘I REPORTS AND PACIFIC REPORTER Procedure (HRAP) Rule 40, and the record and files herein, it appears that: (1) HRAP Rule 40(b) provides that a motion for reconsideration "shall state with particularity the points of law or fact that the moving party contends the court has overlooked or misapprehended[.]" (2) Dr. Lawinski does not provide argument regarding "the points of law or fact... the court has overlooked or misapprehended[.]" HRAP Rule 40(b).

Instead, Dr. Lawinski requests supplementation of the record¹ with a new 2023 document not part of the record on appeal, and presents argument based on that 2023 document. We do not consider this argument, and the request for such supplementation is denied. See *State v. Moses*, 102 Hawai‘i 449, 455, 77 P.3d 940, 946 (2003) (holding that an appellate court "cannot consider evidence outside the record: 'every appeal shall be taken on the record and no new evidence shall be introduced in the [appellate] court'" (brackets omitted) (quoting Hawaii Revised Statutes (HRS) § 641-2));² *Alford v. City & Cnty. of Honolulu*, 109 Hawai‘i 14, 25 n.18, 122 P.3d 809, 820 n.18 (2005) (disregarding material not part of the record on appeal as a violation of HRAP Rule 10).

¹ HRAP Rule 10(e), entitled "Correction or modification of the record," provides that "[i]f anything material to any party is omitted from the record by error or accident or is misstated therein, corrections or modifications may be" made. (Emphasis added.) Dr. Lawinski is not

seeking to supplement the record because of an "error or accident," but seeks to admit an entirely new document.

Id. 2 HRS § 641-2 (2016) pertinently provides that: "Every appeal shall be taken on the record, and no new evidence shall be introduced in the supreme court." 2 NOT FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER Therefore, IT IS ORDERED that the Motion is denied. DATED: Honolulu, Hawai'i, February 26, 2026. /s/ Karen T. Nakasone Chief Judge /s/ Katherine G. Leonard Associate Judge /s/ Sonja M.P.

McCullen Associate Judge 3