

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PRECEDENTIAL VALUE	Unpublished and not for publication in West's Hawai‘i Reports and Pacific Reporter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)

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