

NO. CAAP-13-0003500

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

SAMANTHA THERESALYN MEDEIROS, Plaintiff-Appellant, v.  
BRADLEY KONG CHOY, Defendant-Appellee, and  
DOE ONE through DOE TEN, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 11-1-2004-09)

MEMORANDUM OPINION

(By: Foley, Presiding J., Fujise and Reifurth, JJ.)

Plaintiff-Appellant Samantha Theresalyn Medeiros (**Medeiros**) appeals from the (1) August 30, 2013 "Judgment" and (2) August 20, 2013 "Order Denying [Medeiros's] Renewed Motion for Judgment as a Matter of Law or in the Alternative Motion for New Trial" both entered in the Circuit Court of the First Circuit<sup>1</sup> (**circuit court**).

On appeal, Medeiros contends the circuit court erred in: (1) refusing to give a jury instruction on her motivation for bringing the lawsuit; (2) denying her motion in limine to preclude testimony concerning the existence of an unrestrained child in the back seat of the vehicle hit indirectly by the vehicle driven by Defendant-Appellee Bradley Kong Choy (**Choy**); and (3) denying her motion for a new trial.

**I. BACKGROUND**

On September 7, 2011, Medeiros filed a complaint in the circuit court alleging that on or around January 23, 2007, Choy

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<sup>1</sup> The Honorable Virginia Lea Crandall presided.

rear-ended a vehicle, which in turn rear-ended the vehicle in which Medeiros was a passenger. Medeiros alleged that as a result of Choy's negligence, she suffered injuries to her lower back, neck, and right shoulder, among other bodily injuries.

At the time of the accident, Medeiros was employed by Nursefinders as a nurse's aide and was assigned to assist a patient named Mary Beth Chan (**Chan**). Jennilind Aggasid (**Aggasid**) operated the care home where Chan resided. Aggasid was driving Chan and Medeiros<sup>2</sup> to a doctor's appointment for Chan on the morning of the accident. Following the accident, Medeiros received workers' compensation benefits for her injuries.

On April 30, 2013, prior to trial, Medeiros submitted "[Medeiros's] Bench Memorandum No. 1 Regarding Kobashigawa v. Silva" to the circuit court. Medeiros argued that because the Hawai'i Supreme Court had issued its decision in Kobashigawa v. Silva, 129 Hawai'i 313, 300 P.3d 579 (2013) (**Kobashigawa II**) on April 26, 2013, Medeiros was entitled to "a ruling sua sponte disallowing inquiry or any reference to the motive for [Medeiros] to file the instant lawsuit throughout this case." There is nothing in the record that suggests the circuit court issued such an order or made a ruling pursuant to Medeiros's memorandum.

On May 2, 2013, the parties submitted a "Stipulation Regarding Liability for Causing the Accident," which stated, "IT IS HEREBY STIPULATED . . . that [Choy] caused the motor vehicle accident which occurred on January 23, 2007, and that is the subject of this lawsuit. The issue of damages, including the cause, nature, and extent of any injuries allegedly sustained by [Medeiros] remains to be determined." (Format altered.)

The parties each submitted multiple motions in limine prior to trial. Relevant to this appeal, Medeiros filed "[Medeiros's] Motion in Limine No. 7 Re: Testimony Regarding Extraneous Factors Following the Subject Motor Vehicle Accident" (**Motion in Limine Number Seven**) on May 2, 2013. Among other evidence, Medeiros sought the exclusion of testimony by Choy, his wife Denise Choy, and the driver of the other car involved in the

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<sup>2</sup> Medeiros's presence in Aggasid's car was disputed at trial.

crash, Bernard Jimenez (**Jimenez**), relating to the presence of a small child in the back seat of the car in which Medeiros was a passenger. Medeiros also sought the exclusion of testimony from Choy, Denise Choy, and Jimenez regarding an unidentified adult passenger who was seen moving a child car seat from the trunk of the car and placing it in the car in which Medeiros was a passenger.

Medeiros submitted proposed jury instructions on May 2, 2013. "Plaintiff's Non-Circuit Court Standard Jury Instruction 1" (**Proposed Instruction Number One**) stated, "You may not consider [Medeiros's] motives in bringing the lawsuit. So far as the law is concerned, if [Medeiros] had made out a case on the facts, it is immaterial what her motive was."

The circuit court held a hearing on the parties' motions in limine on May 3, 2013. At the hearing, the circuit court denied Medeiros's Motion in Limine Number Seven.

Trial began on May 8, 2013. On May 13, 2013, the circuit court held a hearing in chambers to settle jury instructions. The circuit court refused Medeiros's Proposed Instruction Number One, stating, "With regard to [Medeiros's] proposed instructions, [Proposed Instruction Number One] is refused over objection of [Medeiros], unless [Choy] raises the issue in closing argument." Counsel for Medeiros explained his objection, "We believe the instruction is necessary, and if anything is raised in closing argument, all the more so. So we object."

Following the close of testimony on May 14, 2013, Medeiros moved for a directed verdict on the issue of legal cause. The circuit court denied the motion, stating, "Viewing the evidence in the light most favorable to the defense, the Court finds that there are questions of fact with respect to whether the defendant's negligence was a legal cause of [Medeiros's] injury and/or damage such that the matter will be submitted to the jury."

On May 15, 2013, the circuit court gave instructions to the jury. Following jury instructions, the parties gave their closing statements. Choy's closing statement demonstrated that

central to his theory of the case was his speculation that Medeiros's lawsuit was filed in furtherance of a fraudulent workers' compensation claim scheme. Throughout closing, counsel for Choy made reference to Medeiros's motivation to file the lawsuit to perpetrate fraud:

[T]he day after the accident, [Medeiros] told [her physician Scott Miscovich, M.D. (**Dr. Miscovich**)] that she was in a car accident. Five days later she said the accident was work-related. So did she suddenly remember six days after the accident that she was working when the accident occurred, or did she make the whole thing up to qualify for workers' compensation benefits? . . . .

. . . .

The third topic is credibility. Now, if Ms. Medeiros wasn't in the car or if there was a child in the car, then Ms. Medeiros wasn't working. If she wasn't working, then she received nearly \$260,000 in workers' compensation benefits to which she was not entitled. Remember Adjustor Suzanne Lee telling you that Ms. Medeiros received those benefits because the accident was supposedly work-related. Unfortunately, there's no evidence that Ms. Lee or her company ever spoke with the Choys or Mr. Jimenez to confirm the presence of the Nurse Finders' client, Ms. Chan, in the Aggasid vehicle. Had they done so, they might have saved themselves \$260,000.

So if Ms. Medeiros was not in the vehicle or not working at the time, then she arguably submitted a false workers' compensation claim, and if so, Mr. Choy should not be held responsible for reimbursing that false claim.

But more to the point, the question for you is can you trust Ms. Medeiros when she says she injured her back in this accident when she might have received \$260,000 that didn't belong to her? Does she have any credibility in your mind? The answer to that, we believe, is no. Because she would have been unjustly enriched to the tune of \$260,000 and possibly many more thousands if she recovers anything more in this lawsuit.

. . . .

. . . Obviously, [the impact] was a nonevent, not even a blip on the radar. But there was money to be made and a lawsuit to be found -- filed because this was a car accident, and it wasn't her fault.

. . . .

. . . Well, here's the big picture. As you know, a minor three-car chain reaction accident occurred on January 23, 2007. Next day, Ms. Medeiros informs Dr. Miscovich she hurt her back in the accident. X-rays were taken that, according to Dr. Miscovich, showed nothing significant. Five days later she tells Dr. Miscovich her accident was work-related.

So why was this no-fault car claim converted to a work comp claim? Perhaps it's because there are monetary limits to no-fault insurance that you don't have with workers' compensation.

Anyway, Ms. Medeiros proceeds to treat and rack up a 260,000-dollar bill because she claimed her low back condition was a work comp injury and opted for elective surgery. She got a permanent partial disability rating and compensation like other comparable low back injuries regardless of profession or income. That's what [James R. Langworthy, M.D.] told you. And she collected \$170 weekly paycheck for not working. When she eventually returned to work, she got a light-duty clerk type sedentary job for the same pay she had before.

As part of her treatment, she got plenty of exercise during physical therapy at Aloha Physical Therapy, Rehab at Nuuanu, Kaneohe Physical Therapy, Hawaii FCE Rehab, and Fukuji & Lum, plus massage at Healing Hands of Kaneohe, approximately \$23,000 of physical therapy and massage. Of course now she wants Mr. Choy to pay for all of that.

She then proceeds to file this lawsuit, spends a great deal of time talking about her treatment[.]. . .

. . . .

From the barrage of redundant medical testimony to the parade of emotional family members to the convenient misreading of Mr. Slagle's deposition transcript to the big brouhaha about the black-and-white photographs to the hana hou showing of those family photographs, all of this was a show designed specifically to attract [sic] over a million dollars from Mr. Choy.

. . . .

What we do know is that if Ms. Medeiros was in our accident, she certainly seemed fine afterward, according to the Choys and Mr. Jimenez, if she was there. We also know that if this accident was not work-related, Ms. Medeiros would not have received \$260,000 in workers' compensation benefits. And we know there was -- if there was no car involved, there would be nobody to sue and no one to collect about \$1.2 million from. You see, you can't sue anyone if your back condition was degenerative or if you hurt yourself jogging or lifting or carrying. And, folks, that's the big picture.

. . . .

. . . [W]e showed that [Medeiros] was not credible to the point even of presenting a potentially false claim for workers' compensation benefits.

. . . .

. . . [W]hen this case is over, each of you will be able to go home and talk about the case with your family and friends, and when you talk about the case, can you say you would be proud of a verdict of \$1.2 million for this accident? Absolutely not. The only one who would be proud of such a verdict is the plaintiff because she would have accomplished exactly what she set out to accomplish the moment she informed Dr. Miscovich she was in a car accident and then convert [sic] it to a workers' compensation claim.

Following closing statements, the circuit court read the jury the remaining jury instructions. Neither party objected to the jury instructions given by the circuit court.

The jury returned on May 16, 2013 with an eleven-to-one verdict in favor of Choy. Through a special verdict form, the jury answered that Choy's negligence was not the legal cause of injury to Medeiros.

On May 28, 2013, Medeiros filed "[Medeiros's] Renewed Motion for Judgment as a Matter of Law or in the Alternative Motion for New Trial." The circuit court denied Medeiros's motion on August 20, 2013. The circuit court entered a judgment for Choy on August 30, 2013.

Medeiros filed a notice of appeal on September 19, 2013.

## **II. STANDARD OF REVIEW**

### **A. Jury Instructions**

When jury instructions or the omission thereof are at issue on appeal, the standard of review is whether, when read and considered as a whole, the instructions given are prejudicially insufficient, erroneous, inconsistent, or misleading.

Erroneous instructions are presumptively harmful and are a ground for reversal unless it affirmatively appears from the record as a whole that the error was not prejudicial.

Samson v. Nahulu, 136 Hawai'i 415, 424-25, 363 P.3d 263, 272-73 (2015) (quoting Tabieros v. Clark Equip. Co., 85 Hawai'i 336, 350, 944 P.2d 1279, 1293 (1997)). "Jury instructions must be considered as a whole. Moreover, a refusal to give an instruction that correctly states the law is not in error if another expressing a substantially similar principle is given." Samson, 136 Hawai'i at 425, 363 P.3d at 273 (ellipsis omitted) (quoting Montalvo v. Lapez, 77 Hawai'i 282, 286, 884 P.2d 345, 349 (1994)).

### **B. Evidentiary Rulings**

"Different standards of review must be applied to trial court decisions regarding the admissibility of evidence, depending on the requirements of the particular rule of evidence at issue. When application of a particular evidentiary rule can yield only one correct result, the proper standard for appellate

review is the right/wrong standard." Samson, 136 Hawai'i at 425, 363 P.3d at 273 (brackets omitted) (quoting Tabieros, 85 Hawai'i at 350-51, 944 P.2d at 1293-94). "Where the evidentiary rule at issue concerns admissibility based upon relevance, under [Hawaii Rules of Evidence (**HRE**) Rules 401 and 402 (1993)], the proper standard of appellate review is the right/wrong standard." Tabieros, 85 Hawai'i at 350-51, 944 P.2d at 1293-94 (brackets omitted) (quoting State v. Arceo, 84 Hawai'i 1, 11, 928 P.2d 843, 853 (1996)). "Evidentiary decisions based on HRE Rule 403, which require a 'judgment call' on the part of the trial court, are reviewed for abuse of discretion." Tabieros, 85 Hawai'i at 351, 944 P.2d at 1294 (quoting Arceo, 84 Hawai'i at 11, 928 P.2d at 853). "The trial court abuses its discretion when it clearly exceeds the bounds of reason or disregards rules or principles of law or practice to the substantial detriment of a party litigant." Samson, 136 Hawai'i at 425, 363 P.3d at 273 (quoting Tabieros, 85 Hawai'i at 350-51, 944 P.2d at 1293-94).

### **III. DISCUSSION**

#### **A. Jury Instruction on Plaintiff's Motivation to Bring Lawsuit**

Medeiros contends the circuit court erred in refusing to give her Proposed Instruction Number One, which stated: "You may not consider [Medeiros's] motives in bringing the lawsuit. So far as the law is concerned, if [Medeiros] had made out a case on the facts, it is immaterial what her motive was."<sup>3</sup>

Medeiros argues that Kobashigawa v. Silva, 126 Hawai'i 62, 65, 266 P.3d 470, 473 (App. 2011) (**Kobashigawa I**), *aff'd* Kobashigawa II stands for the proposition that a plaintiff's motives in bringing a lawsuit are immaterial in every case.

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<sup>3</sup> Medeiros objected to the circuit court's refusal to give the instruction on motive during the hearing on jury instructions, stating, "We believe the instruction is necessary, and if anything is raised in closing argument, all the more so. So we object." Medeiros did not, however, voice an objection at the end of the circuit court's verbal instructions to the jury.

Medeiros's objection at the hearing on jury instructions was sufficient to preserve her objection to the refusal to give the instruction on appeal. See Hawai'i Rules of Civil Procedure (**HRCP**) Rule 51(f) ("No party may assign as error the . . . refusal to give . . . an instruction . . . unless the party objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which the party objects and the grounds of the objection.").

Kobashigawa II<sup>4</sup> involved claims of negligence and negligent infliction of emotional distress filed by the daughter and wife of a man killed in a pedestrian crosswalk (together, the **Kobashigawas**) against the City and County of Honolulu (**City**). Id. at 315-16, 300 P.3d at 581-82. The only eyewitness to the accident testified in her deposition that she spoke to the daughter of the decedent on the day following the accident, "and the first thing out of [the daughter's] mouth was, 'Would you be willing to testify if we sued?'" Id. at 316, 300 P.3d at 582. The eyewitness also testified, "I pretty much hung up, after that. I was so mad. She saw her father's death with money signs in her eyes."<sup>5</sup> Id. The Kobashigawas filed a motion in limine seeking to exclude evidence and argument of the City's speculation on the Kobashigawa's motives for filing the lawsuit. Id. The circuit court denied the motion in limine but "indicated its intent to give a cautionary instruction to the jury that such evidence could only be considered in determining bias, interest, or motive on the part of the Kobashigawas in filing suit[.]" Id. The City used the deposition testimony of the eyewitness in its closing statement to point to the Kobashigawa's possible financial motivation to file the lawsuit. Id. at 318, 300 P.3d at 584.

In Kobashigawa II, the Hawai'i Supreme Court upheld this court's statement of law that "a plaintiff's motive in filing a lawsuit is otherwise immaterial to resolving the merits of the dispute." Id. at 333, 300 P.3d at 599 (citing Kobashigawa I, 126 Hawai'i at 65, 266 P.3d at 473). The supreme court held, "based on well-established and long-standing precedent, a plaintiff's motive in filing a lawsuit is irrelevant provided that the plaintiff has established a valid cause of action[.]" Kobashigawa II, 129 Hawai'i at 334, 300 P.3d at 600. In arriving at its conclusion, the supreme court rejected the defendant's

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<sup>4</sup> The supreme court agreed with this court's conclusions in Kobashigawa I, but modified the reasoning. Kobashigawa II, 129 Hawai'i at 315, 300 P.3d at 581. Therefore, we focus our analysis of the applicability of Kobashigawa II rather than the parties' focus on Kobashigawa I.

<sup>5</sup> The supreme court noted that this testimony was later barred as speculative. Id. at 316 n.4, 330 P.3d at 582 n.4.

argument that evidence pertaining to a plaintiff's motive for filing suit may be properly considered for the purpose of assessing a witness's credibility. Id.

Kobashigawa II also upheld this court's conclusion that the circuit court erred in allowing the City to comment on the plaintiff's motive during its closing argument. Id. The City argued that "nothing in its closing argument was improper because [the City] simply commented on evidence that had been properly admitted by the circuit court during trial." Id. However, the supreme court held, "Because the Kobashigawas' motive in filing suit was never relevant to the City's liability under a negligence theory, the City should not have been allowed to reference it, in closing or at any other time." Id.

Medeiros's proposed jury instruction on motive stated, "You may not consider [Medeiros's] motives in bringing the lawsuit. So far as the law is concerned, if [Medeiros] had made out a case on the facts, it is immaterial what her motive was." Medeiros's proposed instruction was a correct statement of the law.<sup>6</sup> Under Kobashigawa II, "a plaintiff's motive in filing a lawsuit is irrelevant provided that the plaintiff has established a valid cause of action[.]" Kobashigawa II, 129 Hawai'i at 334, 300 P.3d at 600. In the instant case, the circuit court expressly refused Medeiros's Proposed Instruction Number One "unless [Choy] raises the issue in closing argument." At trial, the majority of the jury instructions were given before closing statements, during which Choy's counsel repeatedly suggested that Medeiros's motivation for bringing the lawsuit against Choy was for the purpose of perpetrating workers' compensation fraud. The jury instructions given following closing statements did not

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<sup>6</sup> Choy argues on appeal that Medeiros's proposed instruction "omitted reference to 'bad faith' and any precondition that she assert a 'valid cause of action.'" Choy points to language in this court's decision in Kobashigawa I, which the supreme court upheld. See Kobashigawa I, 126 Hawai'i at 65, 266 P.3d at 473 ("In bringing an action, the motives of the plaintiffs are immaterial absent bad faith."). The supreme court, however, omitted the language of "bad faith" in its reiteration of the proposition that a plaintiff's motivation for filing a lawsuit is irrelevant. See Kobashigawa II, 129 Hawai'i at 333-34, 300 P.3d at 599-600. Therefore, Choy's argument is unpersuasive.

include an instruction on the irrelevance of Medeiros's motive for filing her lawsuit.

We hold that the omission of the jury instruction on Medeiros's motivation for bringing her lawsuit, when read and considered as part of a whole, was "prejudicially insufficient." See Samson, 136 Hawai'i at 424-25, 363 P.3d at 272-73. Choy's closing statement was littered with references to Medeiros's possible motivation for filing her lawsuit, which Choy suggested was to perpetrate workers' compensation fraud. In examining the record as a whole, including the motions in limine, the trial proceedings, the proposed and given jury instructions, and Choy's closing argument, it appears the failure to instruct the jury on the irrelevance of Medeiros's motivation to file her lawsuit was prejudicial to Medeiros. See Kobashigawa II, 129 Hawai'i at 334, 300 P.3d at 600.

**B. Motion in Limine**

Medeiros argues that the circuit court erred in denying her Motion in Limine Number Six, which we construe as a challenge to the circuit court's denial of her Motion in Limine Number Seven.<sup>7</sup> Medeiros characterizes her Motion in Limine Number Seven as a motion to preclude the testimony of Choy, Denise Choy, and Jimenez regarding their observations of an unsecured child in the backseat of the Aggasid's car following the accident, and of an unidentified adult passenger removing a car seat from the trunk of the vehicle and placing the car seat in Aggasid's car.

**i. Relevance under HRE Rules 401 and 402**

Medeiros first argues that the testimony regarding the child and the car seat was not relevant to "the cause, nature and extent of injuries to [Medeiros]."

Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." HRE Rule 401. "All relevant

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<sup>7</sup> Medeiros's Motion in Limine Number Six sought the admission of attendance records for her two daughters. Medeiros's Motion in Limine Number Seven, however, sought to preclude, among other evidence, testimony of Choy, Denise Choy, and Jimenez regarding a child in the back seat of Aggasid's car and a car seat in Aggasid's trunk.

evidence is admissible, except as otherwise provided by the Constitutions of the United States and the State of Hawaii, by statute, by these rules, or by other rules adopted by the supreme court. Evidence which is not relevant is not admissible." HRE Rule 402.

Choy argues that the admission of testimony regarding the existence of a child in the back seat of Aggasid's vehicle establishes that Chan and Medeiros were not in the vehicle. Choy also argues that the absence of either or both of these persons from the scene of the accident "undermine[s] the legitimacy of [Medeiros's] worker's compensation claim." In his opposition to Medeiros's Motion in Limine Number Seven, Choy similarly argued that the testimony regarding the child in the back seat and the car seat showed,

(a) mental patient [Chan] was not being transported; (b) Ms. Medeiros was not in the course and scope of her employment (and therefore [not] entitled to worker's compensation benefits); (c) not sitting in the back seat; (d) not turned to the right and talking to Ms. Chan; and (e) not in immediate pain as she testified.

(Footnote omitted.)

As discussed above, Medeiros's motivation for bringing her lawsuit is irrelevant to the issues at trial—causation and damages. Therefore, Choy's argument that the testimony is relevant to proving Chan and Medeiros's presence in the car to undermine Medeiros's workers' compensation claim is without merit. However, the testimony is relevant to prove or disprove Medeiros's position in the car at the time of the accident because it is relevant to the issue of causation. Experts for both parties submitted testimony regarding the effect of the location and direction of Medeiros's body at the time of the accident on Medeiros's injuries. The testimony of the witnesses relating to the existence of a young child and a child car seat makes Medeiros's position that she was sitting in the back seat facing Chan less probable than her claim would be without the evidence. Therefore, the testimony is relevant under HRE Rule 401 and admissible under HRE Rule 402.

**ii. Balancing Test Under HRE Rule 403 (1993)**

Medeiros argues that even if the testimony regarding the unsecured child and the car seat were relevant, the circuit court's "admission of the evidence under a [HRE] Rule 403 balancing test constituted an abuse of discretion." Under HRE Rule 403, relevant evidence "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." To determine whether the probative value of evidence is substantially outweighed by the danger of unfair prejudice, courts consider: (1) the probative value of the testimony as it relates to the ultimate issue; (2) the probative value of the testimony in relation to the relative lack of need for the testimony; (3) the likelihood of substantial delay and confusion, drawing the jury's attention away from the ultimate issue; and (4) the possibility that the party opposing the testimony would be unfairly prejudiced because a jury would accord it more probative value than the testimony deserved. See Walsh v. Chan, 80 Hawai'i 212, 217-18, 908 P.2d 1198, 1203-04 (1995); see also Samson, 136 Hawai'i at 430, 363 P.3d at 278 ("[O]verall considerations in making [a HRE Rule 403] determination include the actual need for the evidence, availability of other evidence on the same issues, probative weight of the evidence, and the potential for creating prejudice against the accused in the jurors' minds." (citing State v. Murphy, 59 Haw. 1, 9, 575 P.2d 448, 455 (1978))).

In this case, the HRE Rule 403 factors weigh against the admission of the testimony regarding the unidentified child and car seat. First, the existence of a child in the backseat of Aggasid's car and the placement of a car seat in her car by an unidentified adult has little probative value on the ultimate issues in the case—whether Choy's actions caused Medeiros's injuries and the type and extent of Medeiros's injuries that resulted from the accident.

Second, while Medeiros's position in the car is central to the issue of causation, the existence of a child and a child

car seat in the backseat of Aggasid's car at the time of the accident has minimal bearing on this central fact.

The analysis for the third and fourth factors are related, as the admission of the testimony regarding the unidentified child and car seat likely caused confusion for the jury and led to unfair prejudice against Medeiros. Choy's closing statement was littered with suggestions that testimony of the child's existence led to the conclusion that Medeiros was not a credible witness because she falsified her testimony to perpetrate workers' compensation fraud. As we have discussed, Choy's speculation about Medeiros's motivation for filing her lawsuit was immaterial to resolving the merits of the dispute, even where Choy uses Medeiros's motivation to bring the lawsuit to challenge her credibility. See Kobashigawa II, 129 Hawai'i at 334, 300 P.3d at 600. Testimony regarding the child and the car seat was used to bolster Choy's position that Medeiros was perpetrating workers' compensation fraud rather than to undermine Medeiros's evidence regarding her position within the car and the effect her body position may have had on her injuries. Choy's continual reiteration of the possibility that Medeiros was engaged in workers' compensation fraud clouded the probative value of the testimony for the jury. Choy's suggestion that Medeiros's lawsuit was a ploy to take advantage of the workers' compensation system likely prejudiced the jury, where such a suggestion was not relevant to the ultimate issues of causation and damages.

We hold that in this case, where the evidence and closing argument repeatedly addressed Medeiros's motivation in filing the lawsuit, the probative value of testimony regarding the existence of an unrestrained child in the back seat of Aggasid's car and an unidentified adult removing a car seat from the trunk of the vehicle and placing the car seat in Aggasid's car was substantially outweighed by its prejudicial effect. See HRE Rule 403. On remand, that may or may not be the case.

We also consider whether the circuit court abused its discretion in allowing this testimony at trial. Because evidence of Medeiros's motivation in filing the lawsuit was irrelevant to

the ultimate issues, and Choy insisted that the existence of a child and the car seat were related to Medeiros's motivation to file the lawsuit, we hold that the circuit court disregarded the clearly established principle of law deeming irrelevant a plaintiff's motivation in filing a lawsuit. See Kobashigawa II, 129 Hawai'i at 334, 300 P.3d at 600 ("[B]ased on well-established and long-standing precedent, a plaintiff's motive in filing a lawsuit is irrelevant provided that the plaintiff has established a valid cause of action[.]"). The circuit court abused its discretion in allowing the admission of this testimony and denying Medeiros's Motion in Limine Number Seven. See Samson, 136 Hawai'i at 425, 363 P.3d at 273 ("The trial court abuses its discretion when it clearly exceeds the bounds of reason or disregards rules or principles of law or practice to the substantial detriment of a party litigant." (quoting Tabieros, 85 Hawai'i at 351, 944 P.2d at 1294)).

Because we vacate and remand for a new trial, we need not address Medeiros's remaining points of error on appeal.

#### **IV. CONCLUSION**

Therefore, the (1) August 30, 2013 "Judgment" and (2) August 20, 2013 "Order Denying Plaintiff's Renewed Motion for Judgment as a Matter of Law or in the Alternative Motion for New Trial" both entered in the Circuit Court of the First Circuit are vacated and this case is remanded for proceedings consistent with this Memorandum Opinion.

DATED: Honolulu, Hawai'i, June 16, 2016.

On the briefs:

Derek S. Nakamura  
for Plaintiff-Appellant.

Presiding Judge

Thomas Tsuchiyama  
for Defendant-Appellee.

Associate Judge

Associate Judge