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KING COUNTY
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CASE #: 25-2-22557-7 KNT

THE HONORABLE KEN SCHUBERT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JANE DOE 100, an individual,

Plaintiff,

vs.

PROVIDENCE ST. JOSEPH HEALTH, a
Washington Nonprofit Corporation;
PROVIDENCE HEALTH & SERVICES, a
Washington Nonprofit Corporation;
PROVIDENCE HEALTH & SERVICES —
WASHINGTON, a Washington Nonprofit
Corporation; KADLEC REGIONAL
MEDICAL CENTER, a Washington
Nonprofit
Corporation; and MARK E. Mulholland,
individually and on behalf of the marital
community comprised of MARK E.
MULHOLLAND and J. DOE
MULHOLLAND,

Defendants.

NO. 22-2-09969-1 SEA

ORDER DENYING MOTION TO
CHANGE VENUE

I. INTRODUCTION

Defendant Mark E. Mulholland, MD (“Defendant”), moves for an order transferring this case to Benton County Superior Court pursuant to RCW 4.12.030(3). That statute allows a court

1 to transfer venue when “the convenience of the witnesses or the ends of justice would be forwarded
2 by the change.” Defendant contends that both circumstances exist. Defendants Providence St.
3 Joseph Health, Providence Health & Services, Providence Health & Services – Washington,
4 Kadlec Regional Medical Center (collectively “Providence”) filed a joinder to Defendant’s
5 motion.¹ As discussed below, given that there are 41 cases pending in King County Superior Court
6 between similar parties regarding similar allegations, including four cases in which the assigned
7 judge has denied the same motion Defendant makes and Providence joined, and given the
8 technological advances that diminish if not eliminate any inconvenience that distance might
9 otherwise cause, this Court disagrees that the convenience of witnesses or the ends of justice
10 support changing venue at this time.

11 II. FACTUAL BACKGROUND

12 Plaintiff brought this case alleging that Defendant was negligent in his care and treatment
13 of her while she was a patient of Associated Physicians for Women, a Kadlec Clinic. She is
14 pursuing claims against Defendant and Providence for medical malpractice, corporate negligence,
15 failure to obtain informed consent, negligent infliction of emotional distress, and violation of the
16 Washington Law Against Discrimination. This case is one of 41 cases filed in 2025 in King
17 County Superior Court based on Defendant’s and Providence’s alleged misconduct.

18 Plaintiff is represented by Schroeter Goldmark & Bender (SGB) in this and nine other of
19 those lawsuits in King County Superior Court against the same defendants named in this case.
20 One of those cases includes an additional defendant, Western HealthConnect, which is not

21
22 ¹ Providence filed its joinder on January 7, 2026, which is the day the response of any party
23 opposing the motion is due under LCR 7(b)(4)(D). Providence did not oppose Defendant’s motion
24 and thus, had no right under that local rule to file a response. Because Providence had no right
under the local rules to file a substantive responsive in support of the motion and because Plaintiff
Jane Doe 100 did not have an opportunity to respond to the statement of facts and legal arguments
set forth in Providence’s joinder, this Court declined to consider them. This Court acknowledges
Providence’s filing for the purpose of making a record that it was joining in Defendant’s motion.

1 currently a named party in this case. Plaintiff is moving in this case and the others to add Western
2 HealthConnect to the complaint without opposition. Fox Ballard, PLLC represents Defendant in
3 each of those cases. Bennett Bigelow & Leedom, P.S., or Larson Health Advocates, PLLC
4 represent Providence in them.

5 Defendant filed the same motion seeking to change venue to Benton County in nine of the
6 cases in which SGB represents the plaintiff. In the two cases assigned to him, Judge Chung denied
7 Defendant's motion by issuing two identical orders. In similarly worded orders, Judges Halloway
8 and Oishi denied the motion in the two cases assigned to them.

9 Defendant bases his motion on the following facts. He is an employee of Kadlec Regional
10 Medical Center and provided the care at issue at the Kadlec Clinic in Benton County. Providence
11 does business in Benton County, although it also has a place of business in King County. The
12 medical care and incidents at issue took place in Benton County, which is also where Defendant
13 contends the medical records regarding that care and his employment are located. Plaintiff also
14 lives in Benton County. Defendant contends that witnesses "likely live" in Benton County,
15 although he neither names them nor identifies their anticipated testimony.

16 III. LEGAL ANALYSIS

17 Defendant bases his motion on RCW 412.030(3), which provides: "The court may, on
18 motion, in the following cases, change the place of trial when it appears by affidavit, or other
19 satisfactory proof: ... "(3) That the convenience of witnesses or the ends of justice would be
20 forwarded by the change". As Defendant acknowledges in his motion, "[c]hoice of venue 'lies
21 with the plaintiff in the first instance.'" Motion, 4:8-10 (quoting *Baker v. Hilton*, 64 Wn.2d 964,
22 965, 395 P.2d 486 (1964)). And as he also acknowledges, this Court has discretion "in deciding
23 whether to grant a motion to change venue. *Id.* 3:13-15 (citing *Hickey v. City of Bellingham*, 90
24 Wn. App. 711, 953 P.2d 882, rev. denied 136 Wn.2d 1013, 966 P.2d 1278 (1998)).

1 Defendant primarily relies on *State ex rel. Bartels v. Hall*, 11 Wn.2d 58, 118 P.2d 430
2 (1941) to support his motion. In that case, the plaintiff filed for divorce in King County, where
3 she lived. In reversing the trial court's denial of the motion to change venue to Grant County, the
4 Supreme Court noted that none of the records at issue were in King County and the defendant's
5 affidavit in support listed eight witnesses who resided in Grant County.

6 That case is readily distinguished from the facts before this Court. First, neither Defendant
7 nor Providence have submitted an affidavit listing any witnesses that they intend to call at trial.
8 Second, Defendant's reliance on a case that pre-dates the internet by decades fails to account for
9 the significant advances in technology that diminish the significance of where documents and
10 witnesses are located. While Defendant contends that the records at issue are in Benton County,
11 this Court presumes given the large sophisticated multi-county corporate defendants in this case
12 that Providence either stores the documents in a cloud-based system that is readily accessible from
13 King County or in an electronic format that can be easily transmitted to King County. Witnesses
14 may be deposed remotely as permitted by CR 30(b)(1) and (7). Plaintiff notes that she expects to
15 retain experts, most of whom live outside of Washington. In short, the parties can conduct
16 discovery in King County as easily as in Benton County. And in terms of trial, LCR 82(e)(2)(C)
17 permits proceedings to be by remote means, in-person, or a combination of both at the direction
18 and order of the Court. Third, based on the four denials of Defendant's counsel's motions to
19 change venue, Defendant's counsel and Providence's counsel are going to be litigating this case
20 in King County for the foreseeable future. Fourth, Plaintiff notes that there is a tremendous
21 backlog of civil cases in Benton County Superior Court that will take years to clear, which
22 suggests that the "ends of justice" warrant keeping this case in King County Superior Court with
23 an August 10, 2026 trial date. Finally, Plaintiff notes the large amount of media attention in Benton
24 County that these cases have received.

1 IV. CONCLUSION

2 Plaintiff selected venue in King County as permitted by Washington law. Defendant and
3 Providence have not submitted an affidavit in support of Defendant's motion regarding witness
4 convenience or the ends of justice. Proceeding in King County will not be inconvenient given the
5 technological advances that have occurred since the publication of the case law on which
6 Defendant relies. With no offense intended for the hardworking and well-respected judges on
7 Benton County Superior Court, this case should also proceed more expeditiously in King County,
8 especially given that with 56 superior court judges, King County Superior Court seems more
9 readily equipped to get these 41 cases (and growing) to trial in a just and speedy manner. This
10 Court DENIES Defendant's motion, joined by Providence, without prejudice.

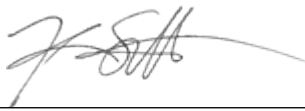
11 Dated this 10th day of February, 2026.

12 E-signature on last page.

13 JUDGE KEN SCHUBERT

**King County Superior Court
Judicial Electronic Signature Page**

Case Number: 25-2-22557-7 KNT
Case Title: (JANE DOE) VS PROVIDENCE ST JOSEPH HEALTH ET AL
Document Title: Order Denying Motion / Petition
Date Signed: 02/10/2026

A handwritten signature in black ink, appearing to read 'K Schubert', is positioned above a horizontal line.

Judge: Ken Schubert

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