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KING COUNTY
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CASE #: 25-2-31827-3 KNT

Honorable Samuel Chung
Hearing Date: January 13, 2026

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

JANE DOE 107, an individual,

Plaintiff,

v.

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. 25-2-32715-9 KNT

PLAINTIFF JANE DOE 107's
OPPOSITION TO DEFENDANT
MULHOLLAND'S MOTION FOR
CHANGE OF VENUE TO BENTON
COUNTY

I. INTRODUCTION

Plaintiff's case is one of dozens filed in 2025 in King County Superior Court arising from Defendant Mulholland's widespread and systematic sexual misconduct toward female

1 patients. For over 25 years, Mulholland practiced as an OB-GYN in the Tri-Cities, where he
2 is alleged to have abused hundreds of female patients while employed by Kadlec Regional
3 Medical Center—the region’s largest hospital system, which is operated by Defendant
4 Providence¹, a King County resident. To date, at least 35 former female patients sued
5 Providence in King County for Mulholland’s abuses.² Plaintiff alleges that Providence knew
6 of Mulholland’s misconduct yet failed to intervene, instead shielding and enabling him
7 through its policies, procedures, and omissions.

8 In this case—and in eight identical motions filed elsewhere³—Mulholland seeks
9 transfer to Benton County under RCW 4.12.030(3). He fails to meet the statute’s threshold
10 requirement, submitting no affidavit or other satisfactory proof regarding witness
11 convenience or the ends of justice. Although RCW 4.12.030(3) concerns itself with the
12 convenience of non-party witnesses, Mulholland focuses on himself. He presents no evidence
13 that any non-party witness or a witness not employed by a party will be inconvenienced by
14 the current venue or that a transfer to Benton County would “forward[]” the “ends of justice.”
15 On that basis alone, the Motion should be denied.⁴

16 Mulholland’s co-defendant, Providence, joined in his motion *hours* before Plaintiff’s
17 opposition was due, but the joinder fails for the same reasons: Providence failed to submit
18 affidavits or other satisfactory proof, let alone identify any witness, besides Plaintiff and
19 Mulholland.⁵ If the Court wishes to reach the merits, a change of venue under RCW
20

21 ¹ Providence St. Joseph Health, Providence Health & Services, and Providence Health & Services –
22 Washington.

23 ² See Hanley Decl. ¶ 1.

24 ³ Mulholland filed this motion in all cases filed by SGB, except one filed two weeks ago. Hanley Decl. ¶ 2.
25 Mulholland is not a party in the cases filed by PCVA, and, on information and belief, Mulholland did not file
26 this motion in those cases. *Id.*

⁴ See *State v. Eppens*, 30 Wn. App. 119, 127 (1981) (denying motion to change venue under RCW 4.12.030(3)
because “defendant presented no such affidavits or other proof”).

⁵ Providence’s motion also does not appear to comport with LCR 7(b)(4)(D), which permits parties to file
responsive pleadings only in “opposing” a motion—not in support.

1 4.12.030(3) is not warranted. Most anticipated fact witnesses are parties or party employees,
2 whose convenience is generally not considered under RCW 4.12.030(3). Plaintiff anticipates
3 that all parties will use numerous expert witnesses who will likely reside outside of
4 Washington.

5 A transfer to Benton County would substantially impair Plaintiff's access to justice.
6 Benton and Franklin Counties Superior Courts are already burdened with more than 11,000
7 pending cases overseen by only seven judges, a backlog officials estimate will take years to
8 clear. That backlog will only worsen if Plaintiff's case is transferred to Benton County,
9 alongside the over 100 additional plaintiffs that intend to pursue their individual claims
10 against Mulholland in the coming months.

11 The Court should deny Mulholland's motion and allow Plaintiff to litigate her claims
12 in the forum of her choice, alongside the dozens of other women who claim injuries as a
13 result of Mulholland's abuses.⁶ Of note, four other judges are considering identical motions.⁷
14 Absent coordinated rulings to grant Mulholland's motion, any perceived efficiency will be
15 undermined and potentially worsened by inconsistent venue decisions.

16 If the Court is inclined to grant Mulholland's motion, it should consider that four
17 other judges are considering this same motion. Absent coordinated venue decisions by all
18 five judges, the purported benefits Mulholland claims will not only be undermined but will
19 be worsened if some courts grant the motion and others do not.⁸

20 II. EVIDENCE RELIED UPON

21

22

23 ⁶ Mulholland's co-defendant, Providence, joined in his motion *hours* before Plaintiff's opposition was due, but
24 the joinder fails for the same reasons: Providence failed to submit affidavits or other satisfactory proof, let
alone identify any witness, besides Plaintiff and Mulholland.

25 ⁷ They include Judge Wiggs, Judge Flervaris, Judge Holloway, and Judge Hecklinger.

26 ⁸ Regardless of the outcome of this Motion, Mulholland and other Kadlec/Providence witnesses may be
compelled to testify in King County in the other cases filed by PCVA, which are not subject to a motion to
change venue at this time.

1 Plaintiff relies on the declarations of Elizabeth A. Hanley (“Hanley Decl.”) Andrew
2 Miller (“Miller Decl.”), with attached exhibits.

3 III. STATEMENT OF FACTS

4 The allegations in this case mirror those in the related lawsuits and include sexual
5 abuse, harassment, and medical negligence by Mulholland, who was jointly employed by
6 Providence and Kadlec. Plaintiff asserts claims for discrimination, medical negligence,
7 medical battery, corporate negligence, emotional distress, and Violation of the Washington
8 Consumer Protection Act. *See* Dkt. 1 ¶¶ 5.1–10.8.

9 In April 2025, the Washington Medical Commission filed charges against Mulholland
10 for “exhibit[ing] a pattern of conduct and lack of appropriate boundaries” toward three
11 female patients. Ex. A⁹ at HanleyDecl_002–006. The charges generated extensive local
12 media coverage and community controversy. *See* Ex. T at HanleyDecl_104–139. As a result,
13 in bringing this lawsuit, Plaintiff faces the threat of shaming, retaliation, unwanted public
14 attention and scrutiny, causing additional harm. Miller Decl. ¶¶ 14–18. To protect Plaintiff,
15 MRJC Chief Judge Keenan granted Plaintiff’s motion to proceed under pseudonym. Dkt. 22.

16 Discovery is still in its early stages. The parties have not exchanged requests for
17 production or interrogatories and no depositions have occurred. Hanley Decl. ¶ 3. Primary
18 witness disclosures are due 06/01/2026, and, at this juncture, Plaintiff has not determined
19 who she will call at trial. *Id.* She anticipates using numerous expert witnesses, most of whom
20 live outside of Washington. *Id.*

21 To date, 31 lawsuits have been filed in King County Superior Court against
22 Providence and Kadlec related to Mulholland’s conduct. *Id.* ¶ 1. Ten of those lawsuits name
23 Mulholland individually as a defendant, *id.* ¶ 2; the other 21 do not, *id.* Plaintiff anticipates
24 that for the liability portion of the Mulholland trials, most of the cases will involve similar

25 _____
26 ⁹ All exhibits refer to the Declaration of Elizabeth A. Hanley.

1 witnesses, including numerous Providence executives, managers, and human resource
2 professionals who reside in King County. *Id.* ¶ 3.

3 IV. STATEMENT OF ISSUES

4 Issue: Whether the Court should override Plaintiff's choice of venue and transfer the
5 case to Benton County, when:

- 6 (1) Plaintiff selected a statutorily appropriate venue;
- 7 (2) Mulholland submitted no affidavit or satisfactory proof regarding witness
8 convenience or the ends of justice;
- 9 (3) Benton and Franklin Counties face an extreme case backlog, which will result in a
10 denial of access to justice to Plaintiff; and
- 11 (4) Jury impartiality in Benton County will be difficult, a waste of time, or
12 impractical, given the size and influence of Kadlec in the area?

13 Answer: No.

14 V. AUTHORITY AND ARGUMENT

15 A. A Plaintiff may choose to litigate her claims in any proper venue.

16 The choice of venue "lies with the plaintiff in the first instance." *Baker v. Hilton*, 64
17 Wn.2d 964, 965 (1964). A plaintiff has the option to sue in the county in which "one of the
18 defendants resides." RCW 4.12.020, .025.

19 B. Mulholland concedes that King County is a proper venue.

20 Mulholland concedes that King County is a proper venue. Mot. at 2; *see also* RCW
21 4.12.020. Three corporate defendants reside and do business in King County, a fact admitted
22 in their Answer and in Mulholland's motion. *See* Dkt. 27 ¶¶ 2.2–2.5; Mot. at 2.

24 C. Mulholland fails to show why the Court should exercise its discretion to 25 change venue.

1 Where a plaintiff selects a proper venue, a defendant seeking transfer must submit
2 “affidavits or satisfactory proof” showing witness inconvenience or advancement of justice.
3 RCW 4.12.030. Mulholland (and Providence) failed to do so. Washington courts uniformly
4 deny motions to change venue on this basis. *See Eppens*, 51 Wn. App. at 146–47 (denying
5 change where movant offered “no . . . affidavits or other proof”); *Unger v. Cauchon*, 118
6 Wn. App. 165, 171 (2003) (same); *Bechtel Civ. & Min., Inc. v. S. Columbia Basin Irr. Dist.*,
7 51 Wn. App. 143, 146–47 (1988) (same). As a result, Mulholland’s motion should be denied.
8

9 Instead of relying on facts or evidence, Mulholland’s motion is rife with speculation,
10 unsupported conclusions, and mere possibilities. Without identifying any non-party witnesses
11 or witnesses not employed by a party, Mulholland claims that all trial witnesses live or work
12 in or close to Benton County. *See, e.g.*, Mot. at 2–3. Mulholland presented no evidence that a
13 change to Benton County will “further the ends of justice,” relying only on conclusory,
14 unsupported claims. *See Wolf for Burke v. GE Healthcare*, 2022 WL 35482, at *4 (Div. II,
15 Jan. 4, 2022) (unpublished) (affirming denial of motion to change of venue because affidavit
16 relied on conclusory statements).
17

18 Mulholland failed to meet his burden, which is dispositive. Although he may attempt
19 to cure those deficiencies in reply—an approach not permitted in Washington¹⁰—Plaintiff
20 addresses the statutory grounds to show a transfer is not warranted. Neither “the convenience
21 of witnesses [n]or the ends of justice” support a transfer of venue to Benton County.
22

23 **1. Mulholland has not shown that the convenience of non-party**
24 **witnesses “would be forwarded” by a change to Benton County.**

25 ¹⁰ *Cowiche Canyon Consev. v. Bosley*, 118 Wn.2d 801, 809 (1992) (“An issue raised and argued for
26 the first time in a reply brief is too late to warrant consideration”); *DocuSign, Inc. v. Sertifi, Inc.*, 468
F.Supp.2d 1305, 1307 (W.D. Wash. 2006) (“It is well established that new arguments and evidence presented
for the first time in Reply are waived.”).

1 Under Washington law, a change of venue based on the convenience of witnesses
2 must be based on the convenience of *non-party witnesses*—not on the convenience of the
3 parties. *State ex rel. Bartels v. Hall*, 11 Wn.2d 58, 68 (1941) (“The convenience of the parties
4 . . . is not to be considered.”). Mulholland misapplies *Bartels*, Mot. at 8, by relying on his
5 own convenience rather than that of non-party witnesses. Plaintiff’s residence is also
6 irrelevant, although Mulholland mentions and underscores it at least five times in his
7 motion.¹¹

9 Likewise, the convenience of witnesses who are employed by Providence or Kadlec
10 should not be considered, or at least should be given less consideration than non-party
11 witnesses. *See Zimmer Enters., Inc. v. Atlandia Imps., Inc.*, 478 F. Supp. 2d 983, 991 (S.D.
12 Ohio 2007) (When deciding a motion to change venue, “the convenience of witnesses who
13 are a party’s employees will not ordinarily be considered, or at least, that the convenience of
14 such employees will not generally be given the same consideration as is given to other
15 witnesses.”); *Sacklow v. Saks Inc.*, 377 F. Supp. 3d 870, 878 (M.D. Tenn. 2019) (“While it is
16 generally true that a corporation is expected to make its employees available to testify, . . . it
17 does not have that power over third-parties.”). Although Mulholland does not specifically
18 identify any trial witnesses besides Plaintiff and himself, he suggests that some Kadlec
19 healthcare providers or nurses may be trial witnesses and likely live near the Tri-Cities.
20
21
22
23

24 ¹¹ If the Court considers Mulholland’s residence and the convenience to him, it is important to note that
25 although he resides in Benton County, he frequently passes through King County for multiple yearly luxury
26 vacations throughout the country and the world. *See* Ex. B at HanleyDecl_009–13. Additionally, all defense
counsel maintains offices in Seattle, not the Tri-Cities. *See* Hanley Decl. ¶ 4. A transfer of venue to Benton
County would necessitate counsel travel, with corresponding increases in attorneys’ fees and costs.

1 If the Court considered and gave weight to speculative residence of unidentified
2 witnesses, Plaintiff asks that the Court also consider the residence of her potential trial
3 witnesses who are employed by Providence. Plaintiff will likely call as witnesses several
4 managers and executives employed by Providence who reside and/or work in King County.
5 Plaintiff alleges that Providence shielded and enabled Mulholland through its policies and
6 procedures, and acts or omissions.

7 Providence maintains centralized systems of policies, practices, and standards for all
8 its hospitals, including Kadlec. As a Senior HR Partner at Providence put it, “we’re operating
9 under a larger umbrella for . . . operational-type of business needs like legal, like human
10 resources . . . so there’s continuity in the way the business is handled.” Ex. C at
11 HanleyDecl_015–16 (30:24–31:3). Providence’s long reach over affiliates is called the
12 “Shared Services” model and includes affiliates and hospitals like “Kadlec.” *Id.* This system
13 promotes “consistency and commonality across different [Providence] hospitals.” *Id.* at 31:7–
14 11. The very policies at issue in this case—including codes of conduct and anti-
15 discrimination policies—are Providence policies, drafted by its employees in King County.
16 See Exs. D, E at HanleyDecl_019–31. Plaintiff anticipates calling at least six Providence
17 executives and managers who reside or work in King County, including senior HR, legal,
18 Kadlec board members, compliance, and operational leadership involved in the policies at
19 issue.¹² See Exs. C–L at HanleyDecl_019–61.

22 Setting aside party witnesses and witnesses employed by Kadlec or Providence,
23 Mulholland does not identify a single non-party witness he expects will testify on his behalf.
24

25 ¹² These witnesses include Jodi Seybolt, Rick Shea, Anna Newsom, Jennifer Bayersdorfer, David Lane, and
26 Darryl Elmouchi.

1 Plaintiff anticipates that expert witnesses will make up the majority of witnesses who are not
2 a party or employed by one. Much of the litigation will rely on expert testimony. Although
3 experts have not been disclosed, Plaintiff anticipates calling at trial at least six expert
4 witnesses. Most likely reside outside of Washington and will need to travel to appear in
5 person for testimony.¹³ If the Court requires in-person testimony, it will be more convenient
6 for out-of-state witnesses to travel to King County than Benton County.

7 Mulholland extensively relies on *Bartels*, 11 Wn.2d 58, and *State v. Superior Court*
8 *In and For Kitsap County*, 147 Wash. 690 (1928) for principles that are either no longer valid
9 or are outdated. *See* Mot. at 5–6. These pre-modern cases were decided before compulsory
10 statewide subpoenas¹⁴, electronic records, and remote proceedings—making their reasoning
11 largely inapplicable today. Given that historical context, *Bartels* and the *Kitsap County* cases
12 gave greater weight to the location and travel distance of important witnesses, as courts could
13 not compel the attendance of out-of-county witnesses. Moreover, technological
14 advancements have made travel easier and faster compared to the 1920s and 1940s and
15 remote proceedings allow witnesses to appear remotely.
16

17
18 Last, Mulholland argues Benton County is more convenient because “key documents
19 are located” there. Mot. at 2. This argument ignores modern discovery. Providence and
20 Kadlec maintain electronic records that are readily transmissible. Kadlec has already
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22
23
24 ¹³ Much (if not all) of the testimony in this matter can be offered remotely, if the parties elect, thanks to King
County Superior Court’s integration of remote proceedings since the outset of the COVID-19 pandemic.

25 ¹⁴ *Compare* Former RCW 5.56.010 (Laws of 1891, ch. 19, § 2, which was in effect until 1963 (“No person shall
26 be obliged to attend as a witness before any court of record . . . in any civil action or proceeding *out of the*
county in which he resides.”)) (emphasis added) *with* RCW 5.56.010 (allowing courts to compel witnesses in
civil actions from throughout the state).

1 provided dozens of plaintiffs with electronic medical records, and its website directs patients
2 to obtain records online. Hanley Decl. ¶ 5; Ex. M at HanleyDecl_064.

3 **2. Mulholland has not shown that “the ends of justice would be**
4 **forwarded” by a change to Benton County under RCW**
5 **4.12.030(3).**

6 Mulholland relies on the wrong standard in support of his motion. All cases
7 Mulholland relies on involve the common law doctrine of *forum non conveniens*, which
8 permits a court to decline to exercise its jurisdiction and dismiss a case that should be
9 litigated in an entirely different jurisdiction. *See* Mot. at 6–7. These cases involve the
10 dismissal of claims to be litigated in other states or other countries—not other counties in
11 Washington. *See, e.g., Myers v. Boeing Co.*, 115 Wn.2d 123, 127 (1990) (Japan); *Sales v.*
12 *Weyerhaeuser Co.*, 163 Wn.2d 14, 19 (2008) (Arkansas). Moreover, those cases
13 acknowledge that, “unless the balance is strongly in favor of the defendant, the plaintiff’s
14 choice of forum should rarely be disturbed.” *Myers*, 115 Wn.2d at 128–29 (quoting *Gulf Oil*
15 *Corp. v. Gilbert*, 330 U.S. 501, 508 (1947)).

16 Here, the Court is not considering whether to dismiss the claim for it to be filed in
17 another state or country. Rather, the Court is determining whether to override Plaintiff’s
18 choice of venue—afforded to her by statute—and transfer the case to Benton County, based
19 on Mulholland’s speculation about witness convenience and the ends of justice.
20

21 ***Access to Justice.*** A transfer would undermine CR 1’s mandate to a “just, speedy,
22 and inexpensive resolution” of the parties’ case. *See K.R.M. v. Eastmont Sch. Dist. No. 206*,
23 2023 WL 3116661, at *2 (Div. III, April 27, 2023) (unpublished). Courts have recognized
24 that the global pandemic placed an “unprecedented” and “intense pressure” on trial courts,
25 especially in smaller counties. *Id.* at *3. Even though the COVID-19 health crisis has largely
26

1 subsided, it created an unprecedented backlog of cases in Benton County that still exists to
2 this day. Ensuring the “ends of justice” under RCW 4.12.030(3)—especially in more rural
3 courts—requires the Court to consider whether Benton County has judicial and logistical
4 capacity to accommodate complex, multi-month long trials involving many plaintiffs,
5 without denying Plaintiff access to justice.

6 Unfortunately, according to the data and the courts’ own admissions, the answer is
7 no. Benton & Franklin Counties face an 11,000 case backlog overseen by seven judges,
8 which court officials estimate will take “years” to resolve.¹⁵ See Franklin County WA
9 Commissioners Budget Workshop (Oct. 22, 2024), YOUTUBE (Franklin County, WA),
10 <https://www.youtube.com/watch?v=TC8sUdpyMQg>, at 4:38:03, 4:43:02, 4:50:05 (last
11 visited 01/02/26). Docket congestion weighs strongly against change of venue. See *Kay v.*
12 *Nat’l City Mortg. Co.*, 494 F. Supp. 2d 845 (S.D. Ohio 2007) (finding this factor weighed in
13 favor of transfer when transferee district was less congested and tended to dispose cases more
14 quickly).

15
16 Civil tort cases are frequently displaced on crowded trial calendars by higher-priority
17 criminal, family law, and unlawful detainers. See, e.g., CR 40(c). The subordination of civil
18 tort cases in Benton & Franklin Counties Superior Courts is supported by the data. In 2024,
19 325 civil tort cases were filed, but only *three* went to trial that year. Ex. O at
20 HanleyDecl_071–72. During that same time period, there were 1,734 criminal cases filed and
21 31 were tried. Ex. P at HanleyDecl_074–75. That same pattern has continued in 2025, where,
22 from January through November 2025, 288 civil tort cases were filed, but only *one* went to
23
24

25 ¹⁵ For context, as of December 2025, King County Superior Court has a backlog of about 18,000 cases,
26 overseen by over 50 judges. See Ex. N at HanleyDecl_069.

1 trial. Ex. Q at HanleyDecl_077–78. During that same time period, there were 1,637 criminal
2 cases filed and 35 criminal jury trials. *Id.* Ex. R at HanleyDecl_080–81.

3 ***Complexity of cases.*** Setting the backlog aside, Plaintiff’s case presents challenges
4 because she is one of hundreds of female patients who seek to hold Mulholland accountable.
5 Plaintiff’s case is part of a complex, mass tort that may clog the dockets of even the largest
6 counties in Washington. Even King County Superior Court initially struggled to manage a
7 comparable mass-tort case—the Sky Valley PCB lawsuits against Monsanto, involving 200+
8 plaintiffs.¹⁶

9
10 A change of venue to Benton & Franklin Counties Superior Court will result in a
11 complete denial of access to justice. The complexity of Plaintiff’s case combined with the
12 historic backlog in Benton & Franklin Counties Superior Court means Plaintiff’s case will
13 likely take more than five or more years to reach trial.

14 ***Danger to Plaintiff.*** Plaintiff reasonably fears harassment, retaliation, and threats to
15 her safety if forced to litigate publicly in Benton County, where community hostility toward
16 accusers has already been documented. *See* Miller Decl. ¶¶ 14–18; *see also* Ex. T at
17 HanleyDecl_104–139.

18
19 These fears are legitimate, not speculative. Members of the public have already
20 engaged in personal attacks against those who made allegations against Mulholland. In
21 online forums and on social media, people have openly discredited women like Plaintiff. Ex.
22 T at HanleyDecl_109–130, 139. Such commentary and behavior shows that Benton County
23 is a hostile environment for these women to proceed to trial. The risk that this behavior will
24

25 ¹⁶ For example, King County Superior Court Judge Rogers noted in 2023 that due to limited court resources it
26 might take eight more years to try the remaining Sky Valley cases, most of which were filed in 2016. Ex. S at
HanleyDecl_088–90.

1 escalate during a lengthy, public trial—potentially resulting in harassment, doxxing, or
2 threats of harm—poses a serious concern for Plaintiff’s safety and well-being. *See* Miller
3 Decl. ¶¶ 15–17. Together, these factors weigh strongly in favor of denying Mulholland’s
4 motion to protect Plaintiff from further risk of harm.

5 **D. There is reason to believe that an impartial trial cannot occur in Benton**
6 **County under RCW 4.12.030(2).**

7 Although Mulholland does not seek transfer under RCW 4.12.030(2), the Court may
8 consider whether an impartial trial can be had in Benton County. The size, economic
9 influence, and community reach of Kadlec—combined with extensive media coverage—raise
10 serious concerns. If the Court is inclined to grant Mulholland’s motion, Plaintiff asks the
11 Court to also consider RCW 4.12.030(2) and deny his motion if the Court has “reason to
12 believe that an impartial trial cannot be had” in Benton County.¹⁷

13
14 Kadlec is the second largest employer in the Tri-Cities area, contributing significantly
15 to the local economy and supporting families in the region. Ex. U at HanleyDecl_142.
16 Kadlec is also by far the largest healthcare system in the area. It has more than double the
17 bed capacity of its next-largest competitor and almost eight times that of the following
18 competitor. Ex. V at HanleyDecl_144. In other words, Kadlec controls over 60% of the
19 market. *See id.* Kadlec has about 196,000 total patient encounters in a given year, *see* Ex. W-
20 1–W-3 at HanleyDecl_145–162, in a region with a population of about 316,000, Ex. BB at
21 HanleyDecl_208. Kadlec is also the only healthcare facility in the region that provides
22 critical services like a Level II trauma center and a Level III NICU. Ex. X at
23

24
25 ¹⁷ Although Plaintiff is the non-moving party, if venue changed to Benton County, Plaintiff would likely move
26 to change venue to King County based on RCW 4.12.030(2). A ruling on this factor will save the parties and
the courts resources and time.

1 HanleyDecl_164–175. During the 25+ years that Mulholland saw female patients in the Tri-
2 Cities, Mulholland himself stated he delivered more than 4,000 babies and saw thousands of
3 other patients. Ex. Y at HanleyDecl_177.¹⁸

4 Mulholland’s actions received widespread attention in the Tri-Cities. *See* Exs. T, AA
5 at HanleyDecl_104–140, 203; Miller Decl. ¶¶ 8–11. His charges by the Washington Medical
6 Commission and the subsequent lawsuits filed were widely reported by local media. *Id.*
7 Plaintiff anticipates the media attention will continue as more lawsuits are filed. Just last
8 month, on December 5, 2025, the Washington Medical Commission amended its charges
9 against Mulholland adding additional charges relating to six more female patients (totaling
10 nine women). Ex. Z at HanleyDecl_180–187. The Tri-City Herald reported on December 29,
11 2025, the Mulholland/Kadlec lawsuits was the “most popular story of 2025.” Ex. AA at
12 HanleyDecl_203.

14 Under RCW 4.12.030(2), the Court can consider the difficulty of finding an impartial
15 jury in a particular venue. In *Wolf for Burke*, the trial court’s change of venue from Jefferson
16 County to Kitsap County was affirmed because “an impartial jury could not be impaneled.”
17 The court reasoned that finding an impartial jury will be “difficult” because the case involved
18 the largest employer in the Jefferson County, a public hospital. This made it hard to find
19 jurors who were not former/current patients or employees of the defendant hospital. *See Wolf*
20 *for Burke v. GE Healthcare*, 2021 WL 1096830, at *25 (Div. II, Jan. 5, 2021) (Brief of
21 Respondent). After two days of jury selection, the court concluded there was an insufficient
22 number of potential jurors left to impanel.
23
24

25
26 ¹⁸ A state survey showed OB/GYNs reported having 1,580 patients. *See* Decl. Ex. CC at HanleyDecl_214.

1 The circumstances of *Wolf for Burke* foreshadow a probable scenario for Plaintiff if
2 venue is changed to Benton County. Like in *Wolf for Burke*, Kadlec is the second-largest
3 employer in the area and is the largest health system in the Tri-Cities. As a result, many
4 potential jurors or their family members will be current or former Kadlec employees. *See*
5 Miller Decl. ¶¶ 12–13. Likewise, many potential jurors will be current/former patients of
6 Kadlec; many will know Mulholland personally as their doctor or a family’s doctor.
7 Although some potential jurors with ties to Kadlec might believe they could be impartial, it is
8 hard to overstate the risk of implicit bias posed by Kadlec’s influence and presence in the
9 community.
10

11 VI. CONCLUSION

12 King County is a proper venue, and Mulholland and Providence failed to satisfy
13 RCW 4.12.030. Transfer would delay justice and jeopardize jury impartiality and should be
14 denied.
15

16 DATED this 7th day of January, 2026.
17

18 SCHROETER GOLDMARK & BENDER

19 
20 ELIZABETH A. HANLEY, WSBA #38233
21 JULIE E. KLINE, WSBA #35461
22 DIEGO A. RONDÓN ICHIKAWA, WSBA #46814
Attorneys for Plaintiff

23 I certify that this memorandum contains 4193 words, in compliance with the Local Civil
24 Rules.
25
26

CERTIFICATE OF SERVICE

I certify that I caused to be served in the manner noted below a copy of the foregoing pleading on the following individual(s):

Counsel For Defendants Mark Mulholland, MD, individually and on behalf of his marital community

☒ Via EFiled/EService/Email

Jennifer M. Veal, WSBA# 41942

Bertha B. Fitzer, WSBA #12184

Fox Ballard, PLLC

1102 Broadway, Suite 501

Tacoma, WA 98402

Email: jen@foxballard.com

bertha@foxballard.com

tracy@foxballard.com

karen@foxballard.com

michelle@foxballard.com

Counsel For Defendants Providence St. Joseph Health, Providence Health & Services, Providence Health & Services – Washington, and Kadlec Regional Medical Center

☒ Via EFiled/EService/Email

☒ Via EFiled/EService

Levi Larson, WSBA # 39225

Alex Ormsby Slader, WSBA # 52677

Natalie A. Heineman, WSBA # 50157

Sarah Yelle, WSBA # 62981

Larson Health Advocates

1700 Seventh Avenue, Suite 2100

Seattle, WA 98101

Email: levi@lhafirm.com

alex@lhafirm.com

natalie@lhafirm.com

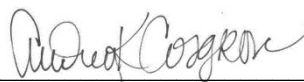
sarah@lhafirm.com

debbie@lhafirm.com

elizabeth@lhafirm.com

erika@lhafirm.com

DATED: January 7, 2026, at Seattle, Washington.



Audrey K. Cosgrove, Paralegal