

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED The Honorable Josephine Wiggs
2025 DEC 19 10:00 AM Noted for Hearing: January 13, 2026
KING COUNTY Without Oral Argument
SUPERIOR COURT CLERK
E-FILED
CASE #: 25-2-22557-7 KNT

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.25-2-22557-7 KNT

DEFENDANT DR. MULHOLLAND'S
MOTION FOR CHANGE OF VENUE TO
BENTON COUNTY

I. RELIEF REQUESTED

Defendant Mark E. Mulholland, MD, respectfully moves the Court under RCW 4.12.030(3)
to change the place of trial from King County to Benton County—the county which contains
the issues, witnesses, organizations, facilities, records, and most real parties central to this
lawsuit.

DEFENDANT DR. MULHOLLAND'S MOTION FOR CHANGE OF VENUE TO
BENTON COUNTY – 1

FoxBallard
PLLC
1325 Fourth Avenue, Suite 1500
Seattle, WA 98101
T: (206) 800-2727

II. STATEMENT OF FACTS

A. Plaintiff's Allegations

Plaintiff alleges Dr. Mulholland was negligent in his care and treatment of her while she was a patient of Associated Physicians for Women, a Kadlec Clinic. She is pursuing claims against Dr. Mulholland and the institutional defendants for medical malpractice, corporate negligence, failure to obtain informed consent, negligent infliction of emotional distress, and violation of the Washington Law Against Discrimination ("WLAD"). *Compl.*, ¶¶5.1-5.19.

B. All Medical Care at Issue Occurred in Benton County, and Key Documents Are Located in Benton County.

The medical care at issue took place when plaintiff was seen by Dr. Mulholland at the Kadlec Clinic Associated Physicians for Women's Health ("Kadlec Clinic"). *Compl.*, ¶¶4.41-4.45. Kadlec Clinic is located approximately six (6) miles away from Benton County Superior Court—about a 15-minute drive. Nonetheless, plaintiff filed this case in the Kent Division of King County—over 200 miles and a three-and-a-half-hour drive away from the Kadlec Clinic.

Dr. Mulholland is an employee of Kadlec Regional Medical Center and provided medical care, including the care at issue, at the Kadlec Clinic in Benton County. *Answer*, ¶2.6. All corporate defendants do business in Benton County. Although Providence does have a place of business in King County, all of the medical care and incidents at issue in this action occurred in Benton County. Similarly, all medical records related to plaintiff's care and/or Dr. Mulholland's employment at the Kadlec Clinic are located in Benton County.

C. The Parties and Key Witnesses Live and Work in Benton County.

Like Dr. Mulholland, plaintiff resides in Benton County. *Compl.*, ¶¶2.1, 2.6. The offices of the institutional defendants are also located in Benton County. It follows that other key witnesses live and/or work in Benton County. Moreover, to the extent any other Providence or

1 Kadlec Clinic health care providers are alleged to have witnessed the incidents or are alleged to
2 have cared for plaintiff, such events would have taken place within Benton County at Kadlec
3 Clinic. These same unnamed health care providers and witnesses likely live in Benton County,
4 or at least closer to Benton County than King County.

5 **III. STATEMENT OF ISSUE**

6 Should this Court transfer this case from King County to Benton County where such
7 transfer will promote witness convenience and further the ends of justice?
8

9 **IV. EVIDENCE RELIED UPON**

10 Dr. Mulholland relies on the pleadings and papers on file in this action.

11 **V. LEGAL ARGUMENT AND AUTHORITY**

12 **A. The Court Has the Discretion to Change Venue.**

13 Courts have discretion in deciding whether to grant a motion for change of venue.
14 *Hickey v. City of Bellingham*, 90 Wn. App. 711, 953 P.2d 882, *rev. denied* 136 Wn.2d 1013,
15 966 P.2d 1278 (1998) (ruling on motion to transfer venue lies within discretion of trial court
16 and is reviewable only for abuse of discretion). Courts should liberally grant motions for
17 change of venue. “Statutes conferring the right to a change of venue are enacted with a view of
18 affording litigants a fair and impartial trial. They are in furtherance of justice and should be
19 liberally construed so as not to defeat that right.” *State v. Superior Court of Spokane*, 40 Wn.
20 443, 446, 83 P. 875 (1905). Where it fairly appears that convenience of witnesses will be
21 promoted by change of venue and justice forwarded thereby denial of motion for change
22 constitutes abuse of discretion. *State ex rel. Merritt v. Superior Court of Kitsap County*, 147
23 Wash. 690, 267 P. 503 (1928); *State ex rel. Bartels v. Hall*, 11 Wn.2d 58, 118 P.2d 430
24
25
26
27

1 (1941); *State ex rel. Bugenhagen v. Superior Court for Pierce County*, 27 Wn.2d 274, 177 P.2d
2 885 (1947); *State v. Superior Court of Washington*, 132 Wash. 102, 231 P. 453 (1924).

3 “[V]enue denotes the setting, location, or place ‘where the power to adjudicate is to be
4 exercised, that is, the place where the suit may or should be heard.’” *ZDI Gaming Inc. v. State*
5 *ex rel. Washington State Gambling Comm’n*, 173 Wn.2d 608, 618, 268 P.3d 929 (2012)
6 (internal citations omitted). Venue is a procedural consideration “intended for the convenience
7 of the litigants.” *Unifund CCR Partners v. Sunde*, 163 Wn. App. 473, 487 n.4, 260 P.3d 915
8 (2011). Choice of venue “lies with the plaintiff in the first instance.” *Baker v. Hilton*, 64 Wn.2d
9 964, 965, 395 P.2d 486 (1964). Under RCW 4.12.030(3), a court may, nonetheless, transfer
10 venue when “the convenience of witnesses or the ends of justice would be forwarded by the
11 change.” *Hatley v. Saberhagen Holdings, Inc.*, 118 Wn. App. 485, 489, 490, 76 P.3d 255
12 (2003).

13
14 When the connection between the controversy, plaintiff, and the forum is attenuated and
15 lacks a meaningful factual nexus, less deference is given to the plaintiff’s choice of venue.
16 *State ex rel. Bugenhagen*, 27 Wn.2d at 275-276 (the plaintiff’s King County residency was a
17 factor weighing against his venue choice of Pierce County). This mitigation principle is
18 reasonable given the strong policy against forum shopping – which stresses finite judicial
19 resources and diminishes the Court’s credibility in the eyes of the public. In the eloquent words
20 of the Washington Supreme Court: “the mills of justice grind with equal fineness in every
21 county of the state.” *Russell*, 61 Wn.2d at 765.
22

23
24 Here, plaintiff does not reside in King County. She resides in Benton County. *Compl.*,
25 ¶2.1. The care at issue all occurred at the Kadlec Clinic located in Benton County. Where, as
26 here, the connection between the controversy, plaintiff, and the forum is attenuated and lacks a
27

1 meaningful factual nexus, this Court is well within its discretion to transfer venue to Benton
2 County.

3 **B. Witness Convenience and the Ends of Justice Favor a Change of Venue to**
4 **Benton County**

5 **1. Changing Venue to Benton County Will Promote the Convenience of**
6 **Witnesses.**

7 “In considering a motion to transfer venue, the court may consider the distances various
8 witnesses would be required to travel.” *Hickey*, 90 Wn. App. at 719; *see also State ex rel.*
9 *Bartels*, 11 Wn.2d at 62 (recognizing that witnesses located 200 to 300 miles from Seattle
10 cannot be compelled to personally attend the trial). Indeed, the material witnesses should be
11 located near the forum to allow for live testimony.

12 In *State ex rel. Bartels v. Hall*, 11 Wn.2d 58, 118 P.2d 430 (1941), the Washington
13 Supreme Court reversed a trial court’s denial of a motion for change of venue from King
14 County to Grant County on the basis of convenience of the witnesses. The plaintiff filed for
15 divorce in King County, where she had taken up residence after separation. *Id.* at 59-60. In
16 considering whether venue should be transferred, the Court noted that (1) none of the records
17 were located in King County, and (2) “practically all the witnesses who will be called to testify
18 ... reside in Grant and Douglas counties.” *Id.* at 62. The defendant’s affidavit listed eight
19 witnesses, all of whom resided in Grant County, and that was a compelling reason to transfer
20 venue. *Id.* at 63. The Court concluded that “the refusal of the trial court to grant a change of
21 venue was not based upon reasonable grounds,” was “an arbitrary abuse of discretion vested in
22 it,” and that the convenience of witnesses would be “best served by changing the venue ... to
23 Grant County...” *Id.* at 69. Similarly, in *State v. Superior Court In and For Kitsap County*, 147
24 Wn. 690, 267 P. 503 (1928), the Washington Supreme Court found that a trial court’s refusal to
25
26
27

1 transfer venue was an abuse of discretion where a substantial number of material witnesses
2 resided in another county, and the plaintiff had made no showing of any material witnesses in
3 the county where he filed.

4 The “convenience of the witnesses” consideration is especially pertinent here. Based on
5 the allegations in plaintiff’s Complaint, the events at issue all occurred in Benton County at
6 Kadlec Regional Medical Center. Plaintiff and Dr. Mulholland are both residents of Benton
7 County and Dr. Mulholland works exclusively in Benton County. To the extent any other
8 Providence or Kadlec Regional Medical Center health care provider is alleged to have cared for
9 plaintiff or to have been a witness to care, that care would have taken place within Benton
10 County at Kadlec Regional Medical Center. Similarly, all records of the events will be in
11 Benton County, not King County. The King County courthouse in Kent is over 200 miles and a
12 three and half (3.5) hour drive from Kadlec Regional Medical Center, as opposed to Benton
13 County Superior Court which is only 6.1 miles away. It is inconvenient, inefficient, and costly
14 to litigate this case in a foreign forum where none of the named parties or potential witnesses
15 reside. Thus, the convenience of the witnesses is best served by transferring venue to Benton
16 County.
17
18

19 **2. Changing Venue to Benton County Will Further the Ends of Justice.**

20 When determining whether a forum will further the ends of justice, a court must
21 consider and balance private and public interests. *Myers v. Boeing Co.*, 115 Wn.2d 123, 128,
22 794 P.2d 1272, 1276 (1990). Washington Courts should consider the following private
23 interests: (1) the relative ease of access to sources of proof; (2) the availability of compulsory
24 process for attendance of unwilling; (3) the cost of obtaining attendance of willing witnesses;
25
26
27

(4) the possibility of viewing premises (if such viewing would be appropriate to the action); and (5) all other practical problems that make trial of a case easy, expeditious and inexpensive. *Id.* (citing *Gulf Oil Corp v. Gilbert*, 330 U.S. 501, 508 (1947)). Washington courts should also consider the following public interests factors in deciding the more appropriate forum: (1) administrative difficulties in congested courts not at the origin of litigation; (2) the burden of jury duty on a community that has no relation to the litigant; (3) proximity between the trial's location and the people the case affects; and (4) interests in having local controversies decided locally. *Sales v. Weyerhaeuser Co.*, 138 Wn. App. 222, 230, 156 P.3d 303 (2007), *affirmed*, 163 Wn.2d 14, 177 P.3d 1122 (2008).

Based on the foregoing, all factors weigh heavily in favor of transferring venue to Benton County. All of the events giving rise to this litigation occurred in Benton County, and Benton County has a local interest in having this matter litigated within its boundaries. Moreover, potential trial witnesses live and/or work in or close to Benton County, and transferring this case to Benton County will also allow for easier access to sources of proof and lower the cost of obtaining attendance of witnesses. By contrast, King County has no meaningful ties to the case at issue. Indeed, plaintiff does not even live here—she resides in Benton County.

VI. CONCLUSION

This is a Benton County case which should be tried in Benton County. Dr. Mulholland therefore requests that this Court exercise its discretion and order transfer to Benton County accordingly.

///

///

1 DATED this 19th day of December, 2025.

2 FOX BALLARD PLLC

3 

4 By: _____

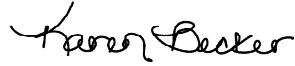
5 Jennifer M. Veal, WSBA# 41942
6 Attorneys for Defendant Mark E.
7 Mulholland, MD, individually and on behalf
8 of his marital community
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DECLARATION OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington that I caused a true and correct copy of the foregoing to be served via the methods below on this Friday, December 19, 2025 on the following counsel/party of record:

Elizabeth A. Hanley, WSBA#35233 Julie E. Kline, WSBA #35461 Schroeter, Goldmark & Bender 401 Union Street, Ste. 3400 Seattle, WA 98401 hanley@sgb-law.com kline@sgb-law.com kcrawford@sgb-law.com gaines@sgb-law.com Tamara N. Holder 917 West Washington Blvd., Ste. 222 Chicago, IL 60607-2203 tamara@tamaraholder.com <i>Counsel for Plaintiff</i>	☐ via U.S. Mail, first class, postage ☐ via Legal Messenger Hand Delivery ☐ via Facsimile ☐ via E-Service ☒ via E-mail:
Amy J. DeLisa, WSBA#37163 Lauren M. Martin, WSBA #49026 Bennet Bigelow & Leedom, P.S. 601 Union Street, Ste. 1500 Seattle, WA 98101 adelisa@bblaw.com lmartin@bblaw.com gmadhavan@bblaw.com ASkinner@bblaw.com Tchai@bblaw.com Ehanson@bblaw.com <i>Counsel for Defendants Providence St. Joseph Health, Providence Health & Services, Providence Health & Services-Washington & Kadlec Regional Medical Center</i>	☐ via U.S. Mail, first class, postage ☐ via Legal Messenger Hand Delivery ☐ via Facsimile ☐ via E-Service ☒ via E-mail:

1 Signed at Tacoma, WA on this Friday, December 19, 2025.

2 

3 Karen Becker, Legal Assistant
4 FOX BALLARD PLLC
5 1325 Fourth Avenue, Suite 1500
6 Seattle, WA 98101
7 Main: (206) 800-2727
8 Fax: (206) 800-2728
9 karen@foxballard.com