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6 CASE #: 25-2-22557-7 KNT

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

9 JANE DOE 100, an individual,

10 Plaintiff,

11 vs.

12 PROVIDENCE ST. JOSEPH HEALTH, a
13 Washington Nonprofit Corporation;
14 PROVIDENCE HEALTH & SERVICES, a
15 Washington Nonprofit Corporation;
16 PROVIDENCE HEALTH & SERVICES –
17 WASHINGTON, A Washington Nonprofit
18 Corporation; KADLEC REGIONAL
19 MEDICAL CENTER, a Washington Nonprofit
20 Corporation; and MARK E. MULHOLLAND,
21 individually and on behalf of the marital
22 community comprised of MARK E.
23 MULHOLLAND and J. DOE
24 MULHOLLAND;

25 Defendants.

NO. 25-2-22557-7 KNT

DEFENDANT MARK E. MULHOLLAND,
M.D.'S RESPONSE TO PLAINTIFF'S
MOTION TO PROCEED UNDER
PSEUDONYM

26 I. INTRODUCTION

27 Relying on an improper declaration regarding facts of which the author has no personal
knowledge, plaintiff seeks to proceed anonymously using the highly inflammatory pseudonym
“Jane Doe 100.” Rather than merely serving the purpose of protecting plaintiff's privacy

1 interests, plaintiff's proposed pseudonym exposes an intention to prejudice Dr. Mulholland and
2 gain an unfair advantage in this litigation. This proceeding is in its infancy, and plaintiff's
3 allegations are just that—allegations. Dr. Mulholland vehemently denies those allegations. All
4 parties are entitled to a fair trial and to have this case determined on the merits. Contrary to
5 plaintiff's analysis, use of the pseudonym "Jane Doe 100" is not the least restrictive means of
6 protecting plaintiff's privacy interests. Moreover, plaintiff's motion requests relief that is
7 broader than necessary to serve her stated purpose. Consequently, her motion to proceed
8 pseudonymously as "Jane Doe 100" should be denied. In addition, the Declaration of Elizabeth
9 Hanley should be stricken because it is not based on personal knowledge, contains inadmissible
10 hearsay and legal argument of counsel, and attaches an exhibit that is immaterial, impertinent,
11 and scandalous within the meaning of CR 12(f).
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13 **II. FACTS RELEVANT TO MOTION TO STRIKE**

14 Paragraph one of the supporting declaration of plaintiff's counsel, Elizabeth Hanley,
15 properly states the test for providing evidentiary support for a motion—namely, that the person
16 making the declaration makes statements based on his or her personal knowledge. Hanley Dec.,
17 ¶1. Paragraph two, however, immediately violates this requirement. In paragraph two, Ms.
18 Hanley states that her client was a patient of the Defendants, that Dr. Mulholland subjected
19 plaintiff to medical treatment that fell below the standard of care, without her consent, and that
20 he "sexually, harassed and physically touched Jane Doe 100 in a sexual manner which caused
21 her personal injury." *Id.* at ¶2. Plaintiff's counsel did not attend the appointment. She has no
22 knowledge of what Dr. Mulholland did or did not do.
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25 Paragraph three continues this pattern of violating the personal knowledge rule by
26 describing plaintiff's alleged fears. *Id.* at ¶3. Again, plaintiff's counsel has no knowledge of
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1 these alleged facts and/or fears. Her statements can only be based on inadmissible hearsay from
2 conversations with her client.

3 **III. STATEMENT OF ISSUES**

4 1. Should the Declaration of Elizabeth Hanley be stricken where it is not based on
5 personal knowledge, contains inadmissible hearsay and legal argument of counsel, and attaches
6 an immaterial, impertinent, and scandalous matter within the meaning of CR 12(f)?
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8 2. Should plaintiff be permitted to proceed under the proposed pseudonym “Jane Doe 100”
9 where (1) she is the sole plaintiff in this case, (2) the proposed pseudonym is not the least
10 restrictive means of protecting her privacy interests, (3) the proposed pseudonym prejudices
11 Dr. Mulholland and is requested to gain an unfair advantage in the litigation, and (4) plaintiff
12 requests relief that is broader than her stated purpose?

13 **IV. EVIDENCE RELIED UPON**

14 Dr. Mulholland relies on the pleadings and papers on file in this action.
15

16 **V. LEGAL ARGUMENT AND AUTHORITY**

17 **A. The Declaration of Elizabeth Hanley Should Be Stricken.**

18 Ms. Hanley claims to have personal knowledge of what took place during her client’s
19 appointment with Dr. Mulholland as well as her client’s fears with respect to this litigation.
20 Hanley Dec., ¶¶1-3. Unless Ms. Hanley was present in the examination room, the requisite and
21 professed personal knowledge is lacking. *Id.* Furthermore, and to the extent paragraphs 2 and 3
22 are based on conversations with her client to prove the truth of the matters asserted, such
23 statements constitute inadmissible hearsay to which no exception applies. ER801(c); ER 802.
24 Paragraph 2 also contains the legal arguments of plaintiff’s counsel. Arguments of counsel do
25 not constitute evidence and are appropriately stricken.
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1 Paragraph 4 and Exhibit A to Ms. Hanley’s Declaration should likewise be stricken.
2 Under CR 12(f), and “[u]pon motion made by a party..., the court may order stricken from any
3 pleading...any redundant, immaterial, impertinent, or scandalous matter.” CR 12(f). Where, as
4 here, a Washington rule and its federal counterpart are virtually identical, courts may look to
5 decisions interpreting the federal rule for guidance. *Am. Disc. Corp. v. Saratoga W., Inc.*, 81
6 Wn.2d 34, 37, 499 P.2d 869 (1972). Under FRCP 12(f), matters are “immaterial” if they have
7 “no essential or important relationship to the claim for relief” and “impertinent” if they “do not
8 pertain, and are not necessary, to the issues in question.” *Fantasy, Inc. v. Fogerty*, 984 F.2d
9 1524, 1527 (9th Cir. 1993), rev’d on other grounds, 510 U.S. 517, 114 S. Ct. 1023, 127 L. Ed.
10 2d 455 (1994)). Matters are “scandalous” if they “cast a cruelly derogatory light on a party or
11 other person.” *Marcus v. ABC Signature Studios, Inc.*, 279 F. Supp. 3d 1056, 1062 (C.D. Cal.
12 2017). Superfluous historical allegations are properly subject to a motion to strike. *Fantasy,*
13 *Inc.*, 984 F.2d at 1527. This is particularly true where the allegations create risks of prejudice,
14 delay, or confusion of the issues. *Id.* at 1528. “Courts have struck allegations that levy insults at
15 parties or attorneys ... or that raise prior instances of alleged misconduct ‘for no other reason
16 than to cast [a party] in a negative light.’” *Ewing v. Freedom Forever, LLC*, 2024 U.S. Dist.
17 LEXIS 10197, *33 (quoting *Tuck v. Guardian Prot. Servs. Inc.*, No. 15-CV-1376 JLS (JLB),
18 2017 U.S. Dist. LEXIS 39896, 2017 WL 1047122, at *2 (S.D. Cal. Mar. 20, 2017)).

21 Exhibit A to Ms. Hanley’s Declaration is immaterial and impertinent to the issue
22 presently before this Court—namely, whether plaintiff has made the requisite showing to
23 proceed under the pseudonym “Jane Doe 100.” Exhibit A is a pleading from a pending
24 disciplinary matter. Dr. Mulholland is actively defending against the allegations therein, and
25 there has been no finding of unprofessional conduct. Allegations in a disciplinary matter have
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1 no relationship to any risk of harm to plaintiff's privacy interests in the current litigation, much
2 less justify the use of the misleading pseudonym "Jane Doe 100." The logical conclusion is that
3 Exhibit A was submitted solely for the improper purpose of casting Dr. Mulholland in a
4 negative light, not to demonstrate a significant risk of harm to her client's privacy interests in
5 this case. Consequently, the Declaration of Elizabeth Hanley should be stricken in its entirety.

6 **B. The Use of a Pseudonym Is Restricted to Those Cases Where the Requesting Party**
7 **Demonstrates Compelling Privacy Concerns.**

8 CR 10(a)(1) provides that "the title of the action shall include the names of all parties"
9 in a complaint. Similarly, GR 15 preserves a long-established principle that the complete names
10 of parties are to be listed in the docket for the actions to which they are parties. *John Doe AA v.*
11 *King County*, 15 Wn. App. 2d 710, 719, 476 P.3d 1055 (2020). GR 15(c)(2) allows a court to
12 seal a court record if there are "compelling privacy and safety concerns that outweigh the
13 public interest in access to the court record." The Washington Supreme Court has held that
14 courts must analyze a motion to proceed under pseudonym/motion authorizing the redaction of
15 names under both GR 15 and the factors announced in *Seattle Times Co. v. Ishikawa*, 97 Wn.2d
16 30, 37-39, 640 P.2d 716 (1982). *John Doe G v. Dep't of Corr.*, 190 Wn.2d 185, 198, 410 P.3d
17 1156 (2018). "Whether an *Ishikawa* analysis is necessary depends on whether article I, section
18 10 applies." *Doe G*, 190 Wn.2d at 199 (quoting *State v. S.J.C.*, 183 Wn.2d 408, 412, 352 P.3d
19 749 (2015)). Article I, section 10 of the constitution requires that "[j]ustice in all cases shall be
20 administered openly, and without unnecessary delay." *Id.* (quoting Wash. Const. art. I, § 10).
21 Moreover, "[w]hether article I, section 10 applies depends on application of the experience and
22 logic test." *Id.* (quoting *S.J.C.*, 183 Wn.2d at 412). Thus, to determine whether article I, section
23 10 is implicated, courts must examine whether experience and logic support the John Does'
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1 desire to proceed in pseudonym. *Id.*

2 The experience prong examines “whether the place and process have historically been
3 open to the press and general public.” *Id.* (quoting *S.J.C.*, 183 Wn.2d at 417 (internal quotation
4 marks omitted) (quoting *In re Det. of Morgan*, 180 Wn.2d 312, 325, 330 P.3d 774 (2014))).

5 The logic prong examines “whether public access plays a significant positive role in the
6 functioning of the particular process in question.” *Id.* (quoting *S.J.C.*, 183 Wn.2d at 430
7 (internal quotation marks omitted) (quoting *Morgan*, 180 Wn.2d at 325)). While Washington
8 Courts have allowed pseudonyms in litigation, in some circumstances the Washington Supreme
9 Court still requires a showing that pseudonymity is necessary. *Id.* at 200 (citing *Ishikawa*, 97
10 Wn.2d at 37 (“If closure and /or sealing is sought to further any right or interest besides the
11 defendant’s right to a fair trial, a ‘serious and imminent threat to some other important interest’
12 must be shown.”)).

14 Although plaintiff failed to mention the experience and logic test in her motion papers,
15 Dr. Mulholland does not dispute that an *Ishikawa* analysis is warranted in this case. *Ishikawa*
16 requires the court to (1) identify the need to seal court records, (2) allow anyone present in the
17 courtroom an opportunity to object, (3) determine whether the requested method is the least
18 restrictive means of protecting the interests threatened, (4) weigh the competing interests and
19 consider alternative methods, and (5) issue an order no broader than necessary. 97 Wn.2d at 37-
20 39.

22 **C. Plaintiff Should Not Be Permitted to Proceed Pseudonymously as “Jane Doe 100.”**

24 Contrary to her assertion, application of GR 15 and the *Ishikawa* factors do not weigh in
25 favor of allowing plaintiff to proceed pseudonymously as “Jane Doe 100.” Specifically,
26 plaintiff fails to establish that the use of the pseudonym “Jane Doe 100” is the least restrictive
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1 means of protecting her privacy interests. She also requests relief that is broader than necessary
2 to serve her stated purpose.

3 **1. Proceeding as “Jane Doe 100” Is Not the Least Restrictive Means of**
4 **Protecting Plaintiff’s Privacy Interests.**

5 Plaintiff’s proposed pseudonym of “Jane Doe 100,” which she repeatedly used
6 throughout her complaint and motion papers prior to seeking leave from this Court, overtly and
7 inaccurately suggests that there are 99 other plaintiffs making similar allegations against Dr.
8 Mulholland. There is only one plaintiff in this case. Plaintiff therefore could have, and should
9 have, proposed a pseudonym such as “Jane Doe,” or “Jane Doe A,” or her initials. Indeed, she
10 could have used any of a plethora of fictitious names—Jane Doe just happens to be the most
11 common. Instead, plaintiff designed a pseudonym that would not only conceal her identity from
12 the public but also inflame prejudice against Dr. Mulholland by falsely inflating the allegations
13 against him and insinuating that if others have accused him of wrongdoing, then plaintiff’s
14 allegations must be true. Plaintiff should not be permitted to malign Dr. Mulholland under the
15 guise of a threatened privacy interest.
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17 Plaintiff’s overreaching motives are further demonstrated by her unnecessary assertion
18 that criminal defendants and convicted sex offenders are not permitted to proceed via
19 pseudonym.¹ Dr. Mulholland is not a criminal defendant or a convicted sex offender, nor is he
20 the one seeking anonymity in this case. On the contrary, it is plaintiff who seeks to shield her
21 identity while her attorneys simultaneously denigrate Dr. Mulholland on their firm websites
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26 ¹ Plaintiff’s Motion, pp. 4-5.

1 and in the press.² Indeed, her own attorneys have issued press releases to ensure this case
2 garners media attention. This Court should not tolerate attempts to gain an unfair advantage
3 through the use of intentionally prejudicial pseudonyms, or, for that matter, through the
4 unnecessary dissemination of public statements by counsel. Because the use of the pseudonym
5 “Jane Doe 100” is not the least restrictive means of protecting plaintiff’s privacy interests,
6 plaintiff should be prohibited from proceeding under that moniker.

7 **2. Plaintiff’s Motion Requests Relief Broader than Necessary.**

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9 Plaintiff’s motion also improperly seeks relief that is broader than necessary. Glaringly
10 absent from plaintiff’s motion papers is any suggestion of how discovery is supposed to
11 proceed without revealing her identity to the parties. Any order allowing plaintiff to proceed
12 under a pseudonym should therefore be subject to the caveat that plaintiff will provide her
13 name and relevant information about herself to the parties during the course of discovery
14 pursuant to a protective order.

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16 Additionally, plaintiff’s motion is overbroad to the extent it is not limited to the pre-trial
17 phase of the litigation. She requests to proceed pseudonymously “in pleadings as well as in the
18 courtroom.”³ Dr. Mulholland’s ability to receive a fair trial will be compromised if the Court
19 allows plaintiff to use a pseudonym at trial—even one that is not inflammatory on its face.

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23 ² See, e.g., <https://sgb-law.com/news> (post about Dr. Mulholland dated August 7, 2025);
24 <https://tamaraholderlaw.com> (home page as of the date of this filing includes reference to litigation against Dr.
25 Mulholland as well as his photograph); <https://tamaraholderlaw.com/in-the-news> (post about Dr. Mulholland
dated August 7, 2025, including email addresses for media contacts); [Jane Doe 100 files suit against OBGYN
Mark Mulholland, Providence St. Joseph Health and Kadlec Regional Medical Center, alleging sexual abuse and
decades of ignored patient complaints](#) (two of plaintiff’s attorneys quoted in August 14, 2025, press release on PR
Newswire about Dr. Mulholland that was drafted by the law firm of Tamara N. Holder, LLC).

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27 ³ Plaintiff’s Motion, p. 5.

1 Jurors may infer the Court has an opinion about the harm the plaintiff has allegedly suffered by
2 a decision to permit the plaintiff to conceal her true identity. The Court should not afford the
3 plaintiff that potential advantage at the expense of Dr. Mulholland, who, like the plaintiff, is
4 entitled to a fair trial. *See, e.g., Doe v. Cabrera*, 307 F.R.D. 1, at 2 n.2, 10 (D.D.C. 2014)
5 (concluding that “the defendant's ability to receive a fair trial will likely be compromised if the
6 Court allows the plaintiff to continue using a pseudonym [at trial], as the jurors may construe
7 the Court's permission for the plaintiff to conceal her true identity as a subliminal comment on
8 the harm the alleged encounter with the defendant has caused the plaintiff”); *E.E.O.C. v. Spoa,*
9 *LLC*, 2013 U.S. Dist. LEXIS 148145, 2013 WL 5634337, at *3 (D. Md.) (acknowledging that
10 the “grant of anonymity would implicitly influence the jury”); *Does I Thru XXIII v. Advanced*
11 *Textile Corp.*, 214 F.3d 1058, 1069 (9th Cir. 2000) (“recogniz[ing] that the balance between a
12 party's need for anonymity and the interests weighing in favor of open judicial proceedings may
13 change as the litigation progresses,” and cautioning that courts must evaluate the precise
14 prejudice plaintiffs' pseudonymity would cause defendants at each stage of the litigation); *Doe*
15 *v. Rose*, 2016 U.S. Dist. LEXIS 188804, at *3 (C.D. Cal. Septe 22, 2016) (observing that many
16 courts have expressed the concern that allowing a plaintiff to proceed under a pseudonym at
17 trial); *John Doe 140 v. Archdiocese of Portland in Oregon*, 249 F.R.D. 358, 361 (D. Or.
18 2008) (holding that defendants should retain the right to have the issue of plaintiff’s
19 pseudonymity revisited as plaintiff’s claims approach trial); *Doe No. 2 v. Kolko*, 242 F.R.D.
20 193, 198 (E.D.N.Y. 2006) (holding that the leave to proceed pseudonymously “only appl[ies] to
21 the discovery period and may be reconsidered if this case goes to trial”). Accordingly, any
22 order allowing plaintiff to proceed pseudonymously should be limited to the discovery phase of
23 this litigation, and Dr. Mulholland should be permitted to revisit this issue as the case
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approaches trial or in the event circumstances change warranting a different result.

VI. CONCLUSION

For the foregoing reasons, plaintiff's motion to proceed under the pseudonym "Jane Doe 100" should be denied, and the Declaration of Elizabeth Hanley should be stricken.

DATED this 26th day of August, 2025.

FOX BALLARD PLLC

*I certify the foregoing contains 2,798 words in
accordance with local rules.*



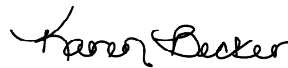
By: _____
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DECLARATION OF SERVICE

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 Tuesday, August 26, 2025 on the following counsel/party of record:

Elizabeth A. Hanley, WSBA#35233 Schroeter, Goldmark & Bender 401 Union Street, Ste. 3400 Seattle, WA 98401 hanley@sgb-law.com kcline@sgb-law.com kcrawford@sgb-law.com gaines@sgb-law.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:
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Signed at Tacoma, WA on this Tuesday, August 26, 2025.



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