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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
community comprised of MARK E.
MULHOLLAND and J. DOE
MULHOLLAND;

Defendants.

NO. 25-2-22557-7 KNT

DEFENDANT MARK E. MULHOLLAND,
M.D.'S CR 12(f) MOTION TO STRIKE
PORTIONS OF PLAINTIFF'S COMPLAINT

"Oral Argument Requested"

22 I. INTRODUCTION

23 Plaintiff filed a complaint that not only uses an inflammatory pseudonym prior to
24 seeking leave of this Court but also goes well beyond the bounds required of a notice pleading.
25 All parties are entitled to a fair trial and to have this case determined on the merits. Plaintiff's
26 efforts to prejudice Dr. Mulholland by using a misleading pseudonym and pleading redundant,
27

DR. MULHOLLAND'S CR 12(F) MOTION TO STRIKE PORTIONS
OF PLAINTIFF'S COMPLAINT – 1

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1 immaterial, impertinent, and unnecessarily inflammatory allegations should not go unchecked.
2 For the reasons set forth below, the objectionable portions of plaintiff's complaint should be
3 stricken in accordance with CR 12(f).

4 **II. STATEMENT OF FACTS**

5 This lawsuit was initiated by plaintiff who is requesting to proceed under the
6 misleading, inflammatory, and prejudicial pseudonym "Jane Doe 100." There is only one
7 plaintiff in this case. The specific portions of the plaintiff's complaint which Dr. Mulholland is
8 requesting be stricken are identified with specificity in the argument section below.
9

10 **III. STATEMENT OF ISSUE**

11 Under CR 12(f), should this Court strike the portions of plaintiff's complaint containing
12 redundant, immaterial, impertinent or scandalous matter where Washington is a notice pleading
13 state, the subject allegations are either irrelevant or duplicative of matters pled elsewhere in the
14 complaint, and where the subject allegations were designed to inflame prejudice against
15 Dr. Mulholland?
16

17 **IV. EVIDENCE RELIED UPON**

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

19 **V. LEGAL AUTHORITY AND ARGUMENT**

20 **A. Washington Is a Notice Pleading State.**

21 "Washington is a notice pleading state and merely requires a simple, concise statement
22 of the claim and the relief sought." *Pac. Nw. Shooting Park Ass'n v. City of Sequim*, 158 Wn.2d
23 342, 352, 144 P.3d 276 (2006); CR 8(a). Indeed, under CR 8(a), a complaint need only contain
24 "(1) a short and plain statement of the claim showing that the pleader is entitled to relief and (2)
25 a demand for judgment for the relief to which the pleader deems the pleader is entitled."
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Moreover, CR 8(e)(1) provides that “[e]ach averment of a pleading shall be simple, concise, and direct.”

B. Standard on Motion to Strike

Under CR 12(f), and “[u]pon motion made by a party before responding to a pleading..., the court may order stricken from any pleading...any redundant, immaterial, impertinent, or scandalous matter.” CR 12(f). Where, as here, a Washington rule and its federal counterpart are virtually identical, courts may look to decisions interpreting the federal rule for guidance. *Am. Disc. Corp. v. Saratoga W., Inc.*, 81 Wn.2d 34, 37, 499 P.2d 869 (1972). Under FRCP 12(f), matters are “immaterial” if they have “no essential or important relationship to the claim for relief” and “impertinent” if they “do not pertain, and are not necessary, to the issues in question.” *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993), rev’d on other grounds, 510 U.S. 517, 114 S. Ct. 1023, 127 L. Ed. 2d 455 (1994)). Matters are “scandalous” if they “cast a cruelly derogatory light on a party or other person.” *Marcus v. ABC Signature Studios, Inc.*, 279 F. Supp. 3d 1056, 1062 (C.D. Cal. 2017). Superfluous historical allegations are properly subject to a motion to strike. *Fantasy, Inc.*, 984 F.2d at 1527. This is particularly true where the allegations create risks of prejudice, delay, or confusion of the issues. *Id.* at 1528. “Courts have struck allegations that levy insults at parties or attorneys...or that raise prior instances of alleged misconduct ‘for no other reason than to cast [a party] in a negative light.’” *Ewing v. Freedom Forever, LLC*, 2024 U.S. Dist. LEXIS 10197, *33 (quoting *Tuck v. Guardian Prot. Servs. Inc.*, No. 15-CV-1376 JLS (JLB), 2017 U.S. Dist. LEXIS 39896, 2017 WL 1047122, at *2 (S.D. Cal. Mar. 20, 2017)).

Here, Dr. Mulholland is cognizant that the nature of plaintiff’s claims in and of themselves cast him in a derogatory light. Although he finds the entirety of plaintiff’s lawsuit

1 offensive, he merely asks that the Court strike those portions of the complaint that run afoul of
2 CR 12(f) by raising matters that are irrelevant, unnecessarily inflammatory, and serve no other
3 purpose than to malign Dr. Mulholland. Parties should be able to plead factual and legal
4 elements of a claim without resorting to inflammatory vernacular. Indeed, plaintiff has proven
5 she is capable of doing so given that the majority of the language at issue is duplicative of non-
6 inflammatory allegations that appear elsewhere in her complaint. Dr. Mulholland now finds
7 himself with the Hobson's choice of allowing plaintiff's improper pleading tactics to go
8 unchallenged, or expend time, attorney fees, and judicial resources to have the improper
9 portions of plaintiff's complaint stricken.
10

11 In accordance with CR 12(f), this motion is being timely made before responding to
12 plaintiff's complaint. Dr. Mulholland's answer will be filed once this motion is resolved. This
13 motion practice could have been avoided had plaintiff stayed within the bounds required of a
14 notice pleading rather than making irrelevant, duplicative, and unnecessarily inflammatory
15 allegations for the sole and improper purpose of denigrating Dr. Mulholland to gain an
16 advantage in this litigation.
17

18 **C. Application of CR 12(f) to Allegations at Issue**

19 **1. Improper Use of Inflammatory and Prejudicial Pseudonym**

20 As more fully set forth in Dr. Mulholland's Response to Plaintiff's Motion to Proceed
21 Under Pseudonym, which is filed contemporaneously with this motion, plaintiff repeatedly
22 used the proposed pseudonym "Jane Doe 10" throughout her complaint prior to seeking leave
23 from this Court. That pseudonym is highly inflammatory and prejudicial. It overtly and
24 inaccurately suggests that there are 99 other plaintiffs making similar allegations against
25 Dr. Mulholland. There is only one plaintiff in this case. Plaintiff therefore could have, and
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1 should have, proposed a pseudonym such as “Jane Doe,” “Jane Doe 1,” “Jane Doe A,” or her
2 initials. Instead, plaintiff designed a pseudonym that would not only conceal her identity from
3 the public but also inflame prejudice against Dr. Mulholland by falsely inflating the allegations
4 against him and insinuating that if others have accused him of wrongdoing, then plaintiff’s
5 allegations must be true. Plaintiff should not be permitted to malign Dr. Mulholland under the
6 guise of a threatened privacy interest, especially where the chosen pseudonym unnecessarily
7 casts Dr. Mulholland in a cruelly derogatory light. All references to “Jane Doe 100”¹ in
8 plaintiff’s complaint should therefore be stricken in accordance with CR 12(f).
9

10 **2. Paragraph 1.1**

11 Paragraph 1.1 of plaintiff’s complaint appears under the heading “Introduction.”
12 Complaints do not require introductions. Rather than lead with a “simple, concise, and direct”
13 averment as required by CR 8(e)(1), plaintiff opted to expound on the history of Washington
14 discrimination law, threats to “the rights of individuals,” and threats to “the very foundation of
15 a free and democratic society.” Plaintiff’s superfluous commentary has no place in a notice
16 pleading. Overstepping the bounds of appropriate pleading even further, plaintiff closes her
17 opening diatribe by stating that she brings this action “to seek justice...for other women
18 similarly harmed.” Plaintiff’s stated motivations for filing the complaint are not only
19 immaterial and impertinent, they are misleading. Contrary to her proposed moniker, plaintiff is
20 the only plaintiff in this case. She seeks relief solely on her own behalf. The introductory
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26 ¹ There is a single reference to “Jane Doe 110” in paragraph 5.7.4 of the complaint. This appears to be a
27 typographical error but should nonetheless be stricken for the same reasons as the references to “Jane Doe 100.”

1 paragraph of plaintiff's complaint is therefore impertinent and serves no purpose other than to
2 elicit media attention and malign Dr. Mulholland immediately out of the gate. Striking this
3 paragraph does not prevent plaintiff from pleading her claim. Paragraph 1.1 of the Complaint
4 should therefore be stricken in accordance with CR 12(f).

5 **3. Paragraph 4.9**

6 Paragraph 4.9 of plaintiff's complaint states that accredited health care organizations are
7 required to "treat any instance of sexual assault or harassment as a 'sentinel event,' no less
8 serious than a homicide in the facility." Dr. Mulholland has never been arrested, charged, or
9 convicted of a crime. Moreover, plaintiff's claims that Dr. Mulholland discriminated against
10 plaintiff, fell below the applicable standard of care, or failed to obtain informed consent are not
11 synonymous with or analogous to purposeful murder. Comparing her claims against
12 Dr. Mulholland to "homicide" serves no other purpose than to inflame prejudice against
13 Dr. Mulholland. Striking this inflammatory paragraph will not prevent plaintiff from pleading
14 her claim and prevents the prejudice to Dr. Mulholland of being likened to a murderer.
15 Accordingly, paragraph 4.9 of the complaint should be stricken.
16

17 **4. Paragraphs 4.23-4.40**

18 Paragraphs 4.23 through 4.40 contain unnecessary, duplicative, and superfluous
19 allegations regarding individuals who are not party to this action. These paragraphs serve no
20 purpose other than to malign Dr. Mulholland by insinuating that if others have accused him of
21 wrongdoing, then plaintiff's allegations must be true. No allegations of sexual abuse have been
22 proven, and plaintiff already alleged notice and failure to intervene in paragraphs 4.21, 4.42,
23 4.48, 4.51, 5.3, 5.7.2, 5.7.3, and 5.7.6. Superfluous historical allegations are properly subject to
24 a motion to strike. *Fantasy, Inc.*, 984 F.2d at 1527. This is particularly true where, as here, the
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1 allegations are duplicative of allegations elsewhere in the complaint and are merely included to
2 inflame prejudice against Dr. Mulholland by insinuating that if others have accused him of
3 wrongdoing, then plaintiff's allegations must be true. *Id.* at 1528. Striking this paragraph will
4 not prevent plaintiff from pleading her claim as she has already pled notice and failure to
5 intervene elsewhere in her complaint. Accordingly, paragraph 4.23 through 4.40 of the
6 complaint should be stricken.

7 8 **5. Paragraph 4.47**

9 Paragraph 4.47 of plaintiff's complaint states that plaintiff "suppressed the memory
10 until she saw on the news, in July 2025, that Mulholland was under investigation for sexually
11 abusing female patients. At this moment, she realized for the first time that she, too, was a
12 victim of Mulholland." This paragraph serves no purpose other than to malign Dr. Mulholland.
13 No allegations of sexual abuse have been proven, and she already alleged notice and failure to
14 intervene in paragraphs 4.21, 4.42, 4.48, 4.51, 5.3, 5.7.2, 5.7.3, and 5.7.6. Moreover, the
15 allegation that she had "suppressed the memory" is not a necessary element of her claim nor
16 does it have a tendency to make a fact of consequence more or less probable. Paragraph 4.47 is
17 therefore redundant, impertinent, and included for the sole purpose of casting Dr. Mulholland
18 in a negative light. Striking this paragraph will not prevent plaintiff from pleading her claim as
19 she has already pled notice and failure to intervene elsewhere in her complaint. Accordingly,
20 paragraph 4.47 of the complaint should be stricken.

21 22 **6. Paragraph 4.50**

23 Paragraph 4.50 alleges that Dr. Mulholland's treatment of female patients "in some
24 instances amounted to sexual assault." Dr. Mulholland has never been arrested, charged, or
25 convicted of a crime related to his patient care. Moreover, no allegations of sexual abuse have
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1 been proven, and plaintiff already alleged notice and failure to intervene in paragraphs 4.21,
2 4.42, 4.48, 4.51, 5.3, 5.7.2, 5.7.3, and 5.7.6. Plaintiff's accusation that Dr. Mulholland sexually
3 assaulted his patients is highly inflammatory and designed to inflame prejudice against
4 Dr. Mulholland by insinuating that if others have accused him of wrongdoing, then plaintiff's
5 allegations must be true. Accordingly, paragraph 4.50 of the complaint should be stricken.

6 **7. Paragraph 5.4**

7
8 Paragraph 5.4 alleges not only that Providence and Kadlec employed Dr. Mulholland,
9 but that they "ensured a stream of sex abuse victims would be directed to his medical practice
10 on premises they controlled." The use of the "stream of sex abuse victims" serves no legitimate
11 purpose and is designed to inflame prejudice against Dr. Mulholland by falsely inflating the
12 allegations against him and insinuating that if others have accused him of wrongdoing, then
13 plaintiff's allegations must be true. Indeed, plaintiff made this allegation without resorting to
14 inflammatory vernacular in paragraph 5.7.2. Consequently, it is not only prejudicial, but
15 redundant. Striking the language "and ensured a stream of sex abuse victims would be directed
16 to his medical practice on premises they controlled" does not prevent plaintiff from pleading
17 her claim. Accordingly, the offensive portion of paragraph 5.4 of the complaint should be
18 stricken.
19

20 **VI. CONCLUSION**

21 Striking the redundant, immaterial, impertinent, and unnecessarily inflammatory
22 portions of plaintiff's complaint will have no effect on plaintiff's claims. Allowing such
23 improper content to remain, however, prejudices Dr. Mulholland as a defendant. Plaintiff is
24 required only to make a short plain statement of asserted facts and should not be permitted to
25 abuse that process as a platform to insult and malign a defendant. Dr. Mulholland therefore
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1 requests the offending portions of paragraphs 1.1, 4.9, 4.23-4.40, 4.47, and 5.4 of plaintiff's
2 complaint be stricken in accordance with CR 12(f). In addition, and as more fully set forth in
3 Dr. Mulholland's Response to Plaintiff's Motion to Proceed under Pseudonym, plaintiff should
4 not be permitted to proceed under the inflammatory and misleading pseudonym of "Jane Doe
5 100." All references in plaintiff's complaint to "Jane Doe 100" or "Jane Doe 110" should be
6 stricken accordingly.
7

8 DATED this 26th day of August, 2025.

9 FOX BALLARD PLLC

10 *I certify the foregoing contains 2,447 words in
11 accordance with local rules.*

12 

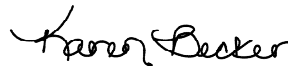
13 By: _____
14 Jennifer M. Veal, WSBA #41942
15 Bertha B. Fitzer, WSBA #12184
16 Attorneys for Defendant Mark Mulholland,
17 MD and the marital community
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DECLARATION OF SERVICE

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:

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Signed at Tacoma, WA on this Tuesday, August 26, 2025.



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