

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

AMERICAN HOSPITAL ASSOCIATION and  
HEALTH FORUM LLC,

*Plaintiffs,*

v.

PATIENTRIGHTSADVOCATE.ORG, INC.

*Defendant.*

Case No. 1:25-cv-15137

Hon. Martha Pacold

**DEFENDANT’S MOTION FOR JUDICIAL NOTICE**

Defendant PatientRightsAdvocate.Org moves for consideration and judicial notice of 10 exhibits attached to its motion to dismiss. On a motion to dismiss, the Court may consider, in addition to the complaint itself, “documents incorporated into the complaint by reference,” documents subject to “judicial notice,” *Holmes v. Marion Cnty. Sheriff’s Off.*, 141 F.4th 818, 822 (7th Cir. 2025), and documents otherwise “integral to the complaint,” *Gociman v. Loyola Univ. of Chi.*, 41 F.4th 873, 881 (7th Cir. 2022). PRA’s exhibits fall into five categories, each appropriate to consider under this standard: (1) the purchase webpage for the *UB-04 Data Specifications Manual*, (2) the National Uniform Billing Committee Protocol, (3) tax documents from the IRS website, (4) publications by the Centers for Medicare & Medicaid Services, and (5) price-transparency guidelines by AHA from its own website.

I. This Court can take notice of the webpage for purchasing the *UB-04 Data Specifications Manual* (Ex.E) through the incorporation-by-reference doctrine. Under that doctrine, “if a plaintiff mentions a document in his complaint, the defendant may then submit the document to the court without converting defendant’s 12(b)(6) motion to a motion for summary judgment.” *Brownmark Films, LLC v. Comedy Partners*, 682 F.3d 687, 690 (7th Cir. 2012). Here, the complaint describes in detail the process for purchasing the *Manual* on the AHA website. Compl. (Doc. 1) ¶¶47-55. It then specifically refers to and quotes the “pre-purchase description of the *UB-04 Manual*.” ¶53. PRA’s Exhibit E is the

webpage containing that description. This document, moreover, is “integral” to AHA’s complaint. *Gociman*, 41 F.4th at 881. Counts II and III allege breach of the *Manual*’s license agreement. Compl. ¶¶82-110. And AHA relies on its description of this webpage to argue that the license agreement is a binding contract and to establish its scope. The *Manual* purchase webpage is properly before the Court.

**II.** The NUBC Protocol (Ex.A) is also integral to AHA’s complaint. “[E]ven where a document is not incorporated by reference, a court may consider it on a motion to dismiss if it is integral to the complaint.” *Strow v. Be&G Foods, Inc.*, 633 F. Supp. 3d 1090, 1100 n.1 (N.D. Ill. 2022); *accord Johnson v. Darren Findling L. Firm*, 2023 WL 5289338, \*6 (N.D. Ill. Aug. 17, 2023); *McNamara v. HireRight Sols., Inc.*, 2014 WL 321790, \*1 (N.D. Ill. Jan. 29, 2014); *Swanson v. Bank of Am.*, 566 F. Supp. 2d 821, 824 (N.D. Ill. 2008), *aff’d*, 559 F.3d 653 (7th Cir. 2009); *ABN AMRO, Inc. v. Cap. Int’l Ltd.*, 2007 WL 845046, \*7 (N.D. Ill. Mar. 16, 2007).

Although “not incorporated by reference,” the NUBC Protocol is “integral to the complaint” because the complaint “relies heavily upon its terms and effect.” *United States ex rel. Foreman v. AECOM*, 19 F.4th 85, 106 (2d Cir. 2021). The NUBC Protocol defines the NUBC’s structure and the procedures that govern it as an organization. AHA relies heavily on the NUBC’s structure and procedures to make its case that it is the *Manual*’s sole author and owner. *See* Compl. ¶¶28-30, 34-38, 70. Specifically, the complaint discusses the NUBC’s members, *see* Compl. ¶30; NUBC Protocol 4-5; AHA’s role as secretariat, Compl. ¶¶29, 36-38, 44-45, 70; NUBC Protocol 7; the offices of chair and secretary of the NUBC, Compl. ¶¶29, 70; NUBC Protocol 7-8; the procedures for proposing and approving changes to the *Manual*, Compl. ¶¶36-37, 70; NUBC Protocol 10-12; and the requirement that other members disclaim ownership in the *Manual* and recognize AHA as its owner, Compl. ¶¶30, 70; NUBC Protocol 14.

Consideration of the full Protocol is essential to evaluating the sufficiency of the complaint. The Protocol reveals critical information about how the NUBC operates that the complaint attempts

to obscure—for instance, that multiple federal agencies are NUBC members, *compare* NUBC Protocol 3-4, *with* Compl. ¶30; that changes to the *Manual* must be approved by majority vote of the members (with AHA like other members exercising only one vote), not under the “direction and control” of AHA, *compare* NUBC Protocol 7, 10-11, *with* Compl. ¶¶30, 37, 70; and that AHA holds the *Manual*’s asserted copyright “on behalf of the NUBC,” which is a work “developed and maintained by the NUBC” as a whole, and not because AHA is the sole author, *compare* NUBC Protocol 14, *with* Compl. ¶30. AHA should not be free to “evad[e] dismissal under Rule 12(b)(6) simply by failing to attach to [its] complaint a document that proves [its] claim has no merit.” *Brownmark Films*, 682 F.3d at 690 (cleaned up).

The NUBC Protocol is also independently subject to judicial notice under the general judicial-notice standard. Upon a party’s motion, this Court must take judicial notice of a document “whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2), (c)(2). And an organization’s description of its internal procedure and structure on its “own website” is information not subject to reasonable dispute, at least where the opposing party is “[f]amiliar” with the organization’s inner workings. *Goplin v. WeConnect, Inc.*, 893 F.3d 488, 489-91 (7th Cir. 2018) (Barrett, J.); *see also Watts v. Joggers Run Prop. Owners Ass’n*, 133 F.4th 1032, 1036 n.3 (11th Cir. 2025) (taking “judicial notice of [a homeowner association]’s relevant bylaws, covenants, and current rules available on the HOA’s website”). The NUBC Protocol comes from the NUBC’s website. Proctor Decl. ¶3. And AHA is not an outside “third-party” to the NUBC. *Goplin*, 893 F.3d at 491. AHA is the secretariat of the NUBC, and much of the relevant information in the Protocol is about AHA’s own role in the organization. Compl. ¶29. If the NUBC Protocol is somehow not an authentic document, AHA has the “opportunity” to show as much in response to this motion. *Goplin*, 893 F.3d at 491. Otherwise, the Court should take “judicial notice” of it. *Id.*

**III.** The tax-document exhibits—AHA’s Form 990 (Ex.B), PRA’s §501(c)(3) decision letter from the IRS (Ex.G), and PRA’s Form 990 (Ex.H)—are judicially noticeable public records. The documents are government records obtained from the IRS’s website. Proctor Decl. ¶¶4, 9-10. And the Court can “take judicial notice of government websites.” *Pickett v. Sheridan Health Care Ctr.*, 664 F.3d 632, 648 (7th Cir. 2011); *accord Denius v. Dunlap*, 330 F.3d 919, 926 (7th Cir. 2003). Courts routinely take judicial notice of publicly available tax documents of nonprofit organizations. *E.g., Oliver v. Blue Cross of Cal.*, 2025 WL 2630221, \*2 (C.D. Cal. Aug. 5, 2025); *Hindu Am. Found., Inc. v. Kish*, 2023 WL 5629296, \*2 (E.D. Cal. Aug. 31, 2023); *In re Cal. Bail Bond Antitrust Litig.*, 511 F. Supp. 3d 1031, 1039 (N.D. Cal. 2021); *Africare, Inc. v. Xerox Complete Document Sols. Md., LLC*, 436 F. Supp. 3d 17, 44 n.21 (D.D.C. 2020).

**IV.** The CMS publications—Pub. No. MLN006926, *Medicare Billing: CMS-1450 & 837I* (2025) (Ex.C); Pub. No. 100-04, *Medicare Claims Processing Manual* ch. 25 (2023) (Ex.D); *Transmittal 820, Change Request 4210* (2006) (Ex.I); *Transmittal 3571, Change Request 9674* (2016) (Ex.J)—are also judicially noticeable public records. These are not only documents from government websites, but formally issued and numbered agency publications. Such “reports of administrative bodies” are especially “proper subjects for judicial notice.” *Wigod v. Wells Fargo Bank*, 673 F.3d 547, 556 (7th Cir. 2012); *accord United States v. Chaparro*, 956 F.3d 462, 475 n.3 (7th Cir. 2020); *Menominee Indian Tribe of Wis. v. Thompson*, 161 F.3d 449, 456 (7th Cir. 1998).

**V.** Finally, AHA’s *Updated Price Transparency Guidelines* (updated Nov. 12, 2018) (Ex.F) are judicially noticeable because they are not subject to reasonable dispute. The Court “may take judicial notice of undisputed material hosted on a party’s public website.” *USA-Halal Chamber of Com., Inc. v. Best Choice Meats, Inc.*, 402 F. Supp. 3d 427, 431 n.3 (N.D. Ill. 2019); *see, e.g., Goplin*, 893 F.3d at 491; *Laborers’ Pension Fund v. Blackmore Sewer Const., Inc.*, 298 F.3d 600, 607 (7th Cir. 2002); *Newbold v. State Farm Mut. Auto. Ins. Co.*, 2015 WL 13658554, at \*4 n.7 (N.D. Ill. Jan. 23, 2015). The *Guidelines* come

from AHA's own website. Proctor Decl. ¶8. And PRA only cites them for the indisputable proposition that, in them, AHA acknowledged that hospitals can comply with a federal price-transparency regulation by making public the revenue codes associated with particular healthcare treatments. *See* Mot. to Dismiss 8.

**CONCLUSION**

This Court should take notice of the 10 exhibits attached to PRA's motion to dismiss and consider them when ruling on that motion.

Dated: February 13, 2026

Respectfully submitted,

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Judge Pacold

**DECLARATION OF RYAN PROCTOR**

I, Ryan Proctor, declare as follows:

1. This declaration is based on my own personal knowledge and belief. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration.

2. I am an attorney representing Defendant PatientRightsAdvocate.Org in this suit.

3. Exhibit A is a true and correct copy of the National Uniform Billing Committee Protocol, which I retrieved from [www.nubc.org/system/files/media/file/2020/06/NUBCProtocolApproved\\_07\\_15\\_09\\_updated\\_10\\_07\\_19%2606\\_17\\_20.pdf](http://www.nubc.org/system/files/media/file/2020/06/NUBCProtocolApproved_07_15_09_updated_10_07_19%2606_17_20.pdf) on February 5, 2026.

4. Exhibit B is a true and correct copy of the American Hospital Association's 2022 Form 990, which I retrieved from [apps.irs.gov/pub/epostcard/cor/360726140\\_202212\\_990O\\_2023121222090579.pdf](https://apps.irs.gov/pub/epostcard/cor/360726140_202212_990O_2023121222090579.pdf) on February 5, 2026.

5. Exhibit C is a true and correct copy of CMS, Pub. No. MLN006926, *Medicare Billing: CMS-1450 & 837I* (2025), which I retrieved from [www.cms.gov/files/document/837i-form-cms-1450-mln006926.pdf](http://www.cms.gov/files/document/837i-form-cms-1450-mln006926.pdf) on February 5, 2026.

6. Exhibit D is a true and correct copy of chapter 25 of CMS, Pub. No. 100-04, *Medicare Claims Processing Manual* (2023), which I retrieved from [www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/clm104c25.pdf](http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/clm104c25.pdf) on February 5, 2026.

7. Exhibit E is a true and correct copy of the AHA webpage for purchasing the *UB-04 Data Specifications Manual*, which contains the “pre-purchase description” referred to in ¶53 of the Complaint (Doc.1). I retrieved it from [ams.aha.org/eweb/DynamicPage.aspx?WebCode=ProdDetailAdd&ivd\\_prc\\_prd\\_key=a8dc5a85-34c1-4f20-8cc9-ed8e37f6c644](https://ams.aha.org/eweb/DynamicPage.aspx?WebCode=ProdDetailAdd&ivd_prc_prd_key=a8dc5a85-34c1-4f20-8cc9-ed8e37f6c644) on January 9, 2026.

8. Exhibit F is a true and correct copy of AHA, *Updated Price Transparency Guidelines* (updated Nov. 12, 2018), which I retrieved from <https://www.aha.org/system/files/2018-11/update111218-reg-advisory-transparency.pdf> on February 5, 2026.

9. Exhibit G is a true and correct copy of PatientRightsAdvocate.Org’s final determination letter of its nonprofit status from the IRS, dated January 4, 2018. I retrieved it from [apps.irs.gov/pub/epostcard/dl/FinalLetter\\_82-3586244\\_PATIENTRIGHTSADVOCATE-INC\\_12042017.tif](https://apps.irs.gov/pub/epostcard/dl/FinalLetter_82-3586244_PATIENTRIGHTSADVOCATE-INC_12042017.tif) on February 5, 2026.


10. Exhibit H is a true and correct copy of PatientRightsAdvocate.Org’s 2021 Form 990, which I retrieved from [apps.irs.gov/pub/epostcard/cor/823586244\\_202112\\_990\\_2023031321088452.pdf](https://apps.irs.gov/pub/epostcard/cor/823586244_202112_990_2023031321088452.pdf) on February 5, 2026.

11. Exhibit I is a true and correct copy of CMS, *Transmittal 820, Change Request 4210* (2006), which I retrieved from [www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/downloads/r820cp.pdf](https://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/downloads/r820cp.pdf) on February 5, 2026.

12. Exhibit J is a true and correct copy of CMS, *Transmittal 3571, Change Request 9674* (2016), which I retrieved from [www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/downloads/R3571CP.pdf](https://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/downloads/R3571CP.pdf) on February 5, 2026.

Per 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2026.

  
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Ryan Proctor