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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

ANTHEM BLUE CROSS LIFE AND HEALTH INSURANCE COMPANY, a California corporation, et al.,

Plaintiffs,

v.

PRIME HEALTHCARE SERVICES – ST. FRANCIS, LLC, et al.,

Defendants.

Case No. 8:26-cv-00023

REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE

Hearing Date: July 14, 2026
Hearing Time: 10:00 a.m.
Court Room: 9B

Honorable Mónica Ramírez Almadani
United States District Judge

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INTRODUCTION

Prime Hospitals filed a Request for Judicial Notice for the IDR process documents—documents indisputably published by federal agencies. This should be an uncontroversial request under Rule 201 of the Federal Rules of Evidence and controlling precedent. Yet Anthem vehemently opposes this Request, recognizing that if the Court sees a full picture of the IDR process established pursuant to the No Surprises Act—including that IDREs must assess dispute eligibility for every case in that process—the Court will understand the conclusory and flawed nature of Anthem's claims, and promptly dismiss them.

The Court should grant Prime Hospitals' Request because the IDR process documents satisfy the standards for both judicial notice under Rule 201 and the incorporation-by-reference doctrine. These are the federal agencies' own publications explaining how the IDR process works. Anthem does not challenge (1) the origin or authenticity of the IDR process documents, or (2) the Court's ability to consider them. Rather, Anthem argues that Prime Hospitals have failed to identify the facts to be noticed, and that Prime Hospitals purportedly "use" the agency documents inappropriately. These arguments lack merit. Prime Hospitals are not asking the Court to resolve a factual dispute, but merely to consider what the agencies charged with administering the IDR process have published regarding that process.

Moreover, the IDR process documents are integral to Anthem's Complaint. Anthem's allegations, and its entire theory of the case, center on the use and supposed abuse of the IDR process. As agency publications explaining that process, the IDR process documents are central to Anthem's claims and incorporated by reference because Anthem's theory necessarily depends on how the IDR process is designed to

function. Anthem cannot build a case around alleged abuse of the IDR process while preventing the Court from seeing the agency materials that explain that process.

DISCUSSION

I. Public Agency Materials Explaining the IDR Process Are Proper Subjects of Judicial Notice.

Anthem's Opposition to Prime Hospitals' Request for Judicial Notice does not actually dispute that the IDR process documents are judicially noticeable. Nor could it—courts often take judicial notice of matters of public record and government documents available from reliable sources on the internet, such as websites run by governmental agencies. *See, e.g.*, *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998–99 (9th Cir. 2010) (taking judicial notice of information "displayed publicly" on school board websites); *Pichkurova v. L.A. Asylum Off.*, 2025 WL 3763370, at *3 (C.D. Cal. Dec. 23, 2025) (taking judicial notice of "USCIS's prioritization process for asylum applications" from government website). And courts routinely take judicial notice of federal agency documents, including guidance materials relating to agency procedures, when resolving motions to dismiss. *See, e.g.*, *Eidmann v. Walgreen Co.*, 522 F. Supp. 3d 634, 642 (N.D. Cal. 2021) (taking judicial notice of Food and Drug Administration webpages related to the agency's regulatory processes).

In short, there is no debate that this Court can and should take judicial notice of the IDR process documents. *See* Fed. R. Evid. 201(b). Indeed, in a nearly-identical case brought by Anthem (represented by the same counsel), this Court recently granted a request for judicial notice of these same guidance documents as a "description of how the IDR process is supposed to work[.]" *Anthem Blue Cross Life & Health Ins. v. HaloMD LLC*, 2026 WL 982629, at *3 n.3 (C.D. Cal. Apr. 9, 2026).

II. Anthem's Responses Regarding Judicial Notice Are Unavailing.

Anthem offers two objections: that Prime Hospitals supposedly failed to adequately identify the facts to be noticed, and that the IDR process documents

cannot be accepted to contradict the Complaint's allegations. Neither passes muster.

Facts to Be Judicially Noticed Have Been Identified. Anthem first asserts that Prime Hospitals have not identified the specific facts that this Court should judicially notice. This argument, which appears to be based on a superficial reading of distinguishable case law,[1] fails immediately upon a review of the Request itself and Prime Hospitals' related briefing citing to the materials covered by the Request.

The Request specifically asks that this Court take judicial notice of the IDR process documents cited in Prime Hospitals' Motion to Dismiss and Special Motion to Strike. The Request identifies the IDR process documents as five specific agency publications (cited as Exhibits A–E) and details the facts they provide about "how the established IDR process works," including what each document explains about the IDR process. Request for Judical Notice, Dkt. 43, at 5–6 (hereafter "RJN"). Those agency explanations of the IDR process are subject to judicial notice. *See Eidmann*, 522 F. Supp. 3d at 642.

Further, the Request expressly references and supports Prime Hospitals' Motion to Dismiss and Special Motion to Strike, both of which cite those materials for concrete propositions about the IDR process—including, inter alia, that IDREs must determine dispute eligibility in every case. *See, e.g.*, Memo. ISO Mot. to Dismiss, Dkt. 41-1, at 3–5, 10–11 & nn.3–4, 6–7, 9–12, 17–18 (hereafter "MTD"); Memo. ISO Special Mot. to Strike, Dkt. 42-1, at 15 & nn.7–8. Prime Hospitals have clearly identified the facts for judicial notice by this Court. Rule 201 requires no

[1] Notably, the case law that Anthem relies upon derives exclusively from securities fraud cases, which the Ninth Circuit singled out as "present[ing] 'especially significant' risks of 'overuse and improper application of' judicial notice," *In re Green Dot Corp. Sec. Litig.*, 2024 WL 1356253, at *3 (C.D. Cal. Mar. 29, 2024) (quoting *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 998 (9th Cir. 2018)), because those cases involve "a heightened pleading standard, and the defendants possess materials to which the plaintiffs do not yet have access," *Khoja*, 899 F.3d at 998. Those circumstances do not exist here. Moreover, unlike the present case, both of the securities fraud cases cited by Anthem involved requests to judicially notice dozens of documents—many of which were corporate documents included with public filings (rather than public procedural guidance issued by federal agencies)—and the court was unable to, or failed to, identify the particular facts to be noticed. *See In re Green Dot*, 2024 WL 1356253 at *3; *Khoja*, 899 F.3d at 999.

1 more.

2 ***Judicial Notice of the IDR Process Documents Does Not Impermissibly*** 3 ***Contradict Well-Pleaded Allegations.*** Anthem concedes that the IDR process 4 documents are "authentic agency publications," Opp. to Request for Judicial Notice, 5 Dkt. 48, at 3 (hereafter "RJN Opp."), and thus pivots to challenge them on another 6 ground, arguing that Prime Hospitals' dispositive briefing improperly "use[s]" the 7 IDR process documents, *see id.* at 3–5. Not so. Prime Hospitals properly reference 8 the IDR process documents to describe how the IDR process works and how the 9 administering government agencies characterize it. *See, e.g.*, MTD 3–4 (explaining 10 that IDREs "must assess whether the dispute is eligible" and the IDR process is 11 applicable at the start of each proceeding); *id.* at 3 n.4 ("[T]he certified IDR entities 12 are responsible for ensuring that eligibility and payment determinations are 13 accurate."); *id.* at 4 & n.9 (quoting CMS explanation that eligibility determinations 14 are "complex[]" and often require assessing choice of law issues, including whether 15 a "specified state law" applies); *id.* at 11 n.18 (similar); *id.* at 10 n.17 (citing 16 procedural guidance that establishes Anthem can seek to re-open awards if it believes 17 the underlying claims were ineligible). Because Anthem mischaracterizes how Prime 18 Hospitals use the IDR process documents, Anthem's case law and related arguments 19 are inapposite. *See* RJN Opp. 3–5.

20 Anthem's own Complaint confirms the point. Anthem repeatedly invokes 21 documents and resources created by federal agencies that provide guidance about 22 how HHS and CMS administer the IDR process. *See, e.g.*, Compl., Dkt. 1, ¶ 53 23 (explaining that CMS "has issued several resources to aid interested parties in 24 determining whether a state surprise billing law exists," and footnoting other CMS 25 guidance documents); *id.* ¶¶ 55–68, 248. Anthem repeatedly directs the Court to 26 federal agency websites, including CMS's website—the same website where each of 27 the IDR process documents is located. *See, e.g.*, *id.* ¶¶ 52–53, 83, 87 & nn.17–18, 28 20, 26. Anthem cannot have it both ways. It cannot rely on agency materials and

websites in purporting to describe how HHS and CMS administer the IDR process, and then insist that the Court disregard those same types of agency materials when Prime Hospitals introduce them to supply the context Anthem omitted. *Cf.* Fed. R. Evid. 106; Fed. R. Civ. P. 32(a)(6).

Anthem's legal arguments are premised on a fundamental mischaracterization: Anthem attempts to distinguish Prime Hospitals' cited authorities by arguing that, unlike the parties in those cases, Prime Hospitals are using the IDR process documents to "dispute Anthem's factual allegations." RJN Opp. 3–5. But as explained above, Prime Hospitals do not ask this Court to resolve any disputed issue of fact in taking notice of these documents. Rather, they ask the Court to take notice of what the federal agencies (authorized by Congress to administer the IDR process) have publicly stated regarding that IDR process—a matter that is not subject to reasonable dispute. *See* Fed. R. Evid. 201(b) ("The court may judicially notice a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned."). This agency procedural guidance provides necessary context for the Court to understand the IDR process that Anthem describes in its Complaint. There is nothing improper about a court considering the publicly stated policies of the agencies that administer the process (as Congress required) that is at the center of this litigation.[2] *See Campbell v. PricewaterhouseCoopers, LLP*, 642 F.3d 820, 824 n.3 (9th Cir. 2011) (taking judicial notice of certain regulations and agency materials).

Anthem's Opposition is, at bottom, another thinly-veiled attack on the IDR process that Congress created and federal agencies have implemented. If Anthem

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[2] Recognizing the weakness of its legal arguments, Anthem resorts to rewriting the facts at issue, and requests "that the Court deny Defendants' Request for Judicial Notice, or at most notice the fact that Exhibits A–E were published by the identified federal agencies without permitting their use to contradict Anthem's well-pleaded factual allegations about how the IDR process actually operated under the circumstances alleged." RJN Opp. 7. Anthem's request is wrong for all of the reasons stated above, *supra* 4–7, and effectively asks the Court to blind itself to publicly available agency procedures while adjudicating claims that depend on those very procedures.

believes that the IDR process does not "actually" work as outlined by statute, regulation, and agency guidance, RJN Opp. 3, those concerns belong before Congress and the agencies that administer the process. Anthem cannot ask this Court to rewrite the No Surprises Act via litigation, and it certainly cannot do so based on a one-sided narrative that ignores the guidance issued by the agencies Congress directed to administer the process. This Court should thus see past Anthem's selective pleading and take judicial notice of the IDR process documents.

III. The IDR Process Documents Are Central to, and Incorporated by Reference in, Anthem's Complaint.

As a separate and independent basis, the Court may consider the IDR process documents as incorporated by Anthem's Complaint. The Ninth Circuit has stated that courts may consider documents outside the complaint on a motion to dismiss where "(1) the complaint refers to the document; (2) the document is central to the plaintiff's claim; and (3) no party questions the authenticity of the copy attached to" the motion. *Daniels-Hall*, 629 F.3d at 998. Further, courts may consider such documents where "the plaintiff's claim depends on the contents" of them, "even though the plaintiff does not explicitly allege the contents . . . in the complaint." *Knievel v. ESPN*, 393 F.3d 1068, 1076 (9th Cir. 2005).

That is the case here: Anthem's Complaint makes clear that its claims depend on the IDR process, as all of its claims are premised on a theory that Prime Hospitals allegedly misused that process and received IDR awards for ineligible disputes. Anthem cannot base its claims on alleged abuse of a federal dispute resolution process, while simultaneously hiding from the Court the agency materials that explain how that process works. The IDR process documents are therefore central to a proper understanding of Anthem's allegations and claims. *See id.*; *Roshkovan v. Bristol-Myers Squibb Co.*, 2023 WL 6787444, at *5 (C.D. Cal. Sept. 19, 2023).

Anthem responds that its Complaint does not specifically cite the IDR process documents. But Anthem's entire Complaint hinges on the Court's understanding of

the IDR process. The Complaint cites the *same CMS website* that contains the IDR process documents, refers extensively to the IDR process, and repeatedly cites related guidance and resources from the same federal agencies that issued the IDR process documents. *See, e.g.*, Compl. ¶¶ 45–53, 55–68, 83, 87, 100, 248, & nn.17, 18, 20, 26. Critically, the Ninth Circuit has affirmed the incorporation of materials that were not specifically referenced in a plaintiff's complaint where the plaintiff's claims necessarily depend on the context provided in such materials. *See Knievel*, 393 F.3d at 1076; *Roshkovan*, 2023 WL 6787444, at *5.

Anthem attempts to distinguish this precedent by arguing that here, there is not an "inherently close connection between [its] claim and the [IDR process documents]." RJN Opp. 6. But this distinction is based on a fallacy. Anthem's allegations about alleged abuse of the IDR process necessarily depend upon an understanding of how that process is designed to function. *See Knievel*, 393 F.3d at 1076; *Roshkovan*, 2023 WL 6787444 at *5; *Parrino v. FHP, Inc.*, 146 F.3d 699, 705–06 (9th Cir. 1998), *as amended* (July 28, 1998), *superseded by statute on other grounds* ("We therefore hold that a district court ruling on a motion to dismiss may consider a document the authenticity of which is not contested, and upon which the plaintiff's complaint necessarily relies.").

The IDR process documents are not offered to "merely dispute[] facts alleged." RJN Opp. 5. They provide the Court with the full picture of the process central to Anthem's claims. That is the point of the incorporation by reference doctrine: to prevent a plaintiff from building a one-sided narrative that is undermined by indisputable material. *Cf. Parrino*, 146 F.3d at 705–06 (explaining the doctrine "[p]revent[s] plaintiffs from surviving a Rule 12(b)(6) motion by deliberately omitting" key information from the complaint); *Sisti v. Bosley Inc.*, 2026 WL 1223927, at *5 (C.D. Cal. Apr. 27, 2026) (noting that the doctrine "prevents plaintiffs from selecting only portions of documents that support their claims, while omitting portions of those very documents that weaken — or doom — their claims," and thus

incorporating defendant's website by reference because the plaintiff "reference[d]" the website "throughout [his] Complaint" but "omitted" key notice language regarding the defendant's privacy policy and terms of service (citation omitted)).

IV. The Court Can Dismiss Even Without the IDR Process Documents.

None of this means the Court must rely on the agency materials to dismiss Anthem's Complaint. Although this guidance provides the Court with context that Anthem omits, these documents do not alter Congress's decision to sharply limit the scope of judicial review of IDRE determinations. 42 U.S.C. § 300gg-111(c)(5)(E)(i); *see* MTD 9–12. And the guidance documents do not change that Anthem's Complaint admittedly seeks a do-over for IDR eligibility objections that Anthem made and lost before neutral decisionmakers. *See* MTD 15–16. The agency materials simply confirm what the statutory scheme already shows: Anthem's theory depends on ignoring the process Congress created and the agencies administer. While the Court should consider the IDR process documents, it can still resolve this case in Prime Hospitals' favor without them.

CONCLUSION

Anthem's objection asks the Court to evaluate claims about the IDR process while disregarding the public agency materials that explain that process. The Court should decline that invitation. For the foregoing reasons, the Court should grant Prime Hospitals' Request and consider the materials attached to the Request in support of Prime Hospitals' Motion to Dismiss Anthem's Complaint and Prime Hospitals' Special Motion to Strike.

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Dated: June 30, 2026

JONES DAY

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