

1 GLENN SOLOMON (*pro hac vice*)
CHRISTOPHER CHARLES JEW (*pro hac vice*)
2 WILLIAM MAVITY (*pro hac vice*)
KING & SPALDING LLP
3 633 West Fifth Street, Suite 1600
Los Angeles, CA 90071
4 Telephone: (213) 443-4355
Email: gsolomon@kslaw.com
5 cjew@kslaw.com
wmavity@kslaw.com
6

7 SARA BRINKMANN (*pro hac vice*)
KING & SPALDING LLP
1100 Louisiana Street, Suite 4100
8 Houston, TX 77002-5213
Telephone: (713) 751-3200
9 Email: sbrinkmann@kslaw.com

10 CONNOR R. BREWER (SBN 040378)
KING & SPALDING LLP
11 2601 Olive Street, Suite 2300
Dallas, TX 75201
12 Telephone: (214) 764-4420
Email: cbrewer@kslaw.com
13

Attorneys for Defendants

14
15 **IN THE UNITED STATES DISTRICT COURT**
DISTRICT OF ARIZONA
16 **PHOENIX DIVISION**

17 United Healthcare Services, Inc.;
18 UnitedHealthcare Insurance Company;
and UMR, Inc.,

19 Plaintiffs,

20 v.

21 Radiology Partners, Inc.; and Sonoran
22 Radiology, Ltd.,

23 Defendants
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Case No. 2:25-cv-02862-PHX-GMS

**DEFENDANTS RADIOLOGY
PARTNERS, INC. AND SONORAN
RADIOLOGY, LTD.'S REPLY IN
SUPPORT OF THEIR REQUEST FOR
JUDICIAL NOTICE**

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 27 266 F.3d 979 (9th Cir.2001)7

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1 **I. INTRODUCTION**

2 Pursuant to Fed. R. Evid. 201, Defendants Radiology Partners, Inc. (“RP”) and Sonoran
3 Radiology, Ltd. (“Sonoran”) (collectively “Defendants”) filed a Request for Judicial Notice
4 (“RJN”) of twenty-seven exhibits attached thereto (Dkts. 24–24-5), in connection with their
5 concurrently filed Motion to Transfer, Stay or Dismiss (“Defendants’ Motion”). Dkt. 26. In
6 doing so, Defendants explained that they only sought notice of (1) publicly available
7 documents from the Federal Court in the Central District of California (“CD CA”) and Texas
8 State Court, and publicly available government information regarding (2) the employment of
9 the radiologists at issue, and (3) Sonoran’s trade names. *See* Dkt. 24.

10 Plaintiffs United Healthcare Services, Inc., UnitedHealthcare Insurance Company, and
11 UMR, Inc. (collectively, “United”) responded that “the Court can consider the court filings
12 from the California lawsuit to resolve the first-to-file issue,” Exhibits 1–3 and 5–6 attached to
13 the RJN. Dkt. 31 at 4–5. United otherwise opposes judicial notice of Exhibits 4 and 7–27,
14 which it characterizes as “a request for judicial resolution of disputed facts.” *Id.* United is,
15 however, mistaken regarding this Court’s ability to judicially notice Exhibits 4 and 7–27 for
16 the reasons set forth in the RJN and below.

17 **II. ARGUMENT**

18 **A. The Court May Judicially Notice the Court Records in Exhibit 4**

19 Exhibit 4 is Respondents’ Application to Confirm Final Award; Agreed Final Judgment
20 in the Texas Arbitration. Defendants requested that the Court judicially notice Exhibit 4 for
21 the in connection with consideration of whether to apply the first to file rule. U

22 It is axiomatic that courts “may take judicial notice of undisputed matters of public
23 record, . . . including documents on file in federal or state courts.” *Harris v. Cnty. of Orange*,
24 682 F.3d 1126, 1132 (9th Cir. 2012).; *see also e.g., Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*,
25 442 F.3d 741, 746 n.6 (9th Cir. 2006) (“We may take judicial notice of court filings and other
26 matters of public record”); *United States v. Howard*, 381 F.3d 873, 876 n.1 (9th Cir. 2004)
27 (same); *Cnty. of Tooele v. U.S. Dep’t of Agri.*, 210 F.3d 382 (table), 2000 WL 14414, at *1 n.3
28 (9th Cir. 2000) (a decision or “order issued by another court is appropriate for judicial notice”).

1 Acknowledging the weight of authority above, United rightly concedes that the Court
2 may judicially notice Exhibits 1–3 and 5–6 to “evaluat[e] Defendants’ first-to-file argument.”
3 Dkt. 31 at 5. United nonetheless objects to the Court judicially noticing Exhibit 4—the
4 Application to Confirm Final Arbitration Award in the Texas arbitration—because it contends
5 that the exhibit is (1) “is not relevant to the first-to-file issue” and (2) is otherwise
6 “unnecessary” given that “Exhibit 5 already establishes that there has been a final
7 determination[.]” Dkt. 31 at 5–6. But these half-hearted objections do not foreclose this
8 Court’s ability to judicially notice Exhibit 4,

9 Exhibit 4 is judicially admissible as a “court record[] in another case.” *Howard*, 381
10 F.3d at 876 n.1; *see also Reyn’s Pasta Bella*, 442 F.3d at 746 n.6. And Exhibit 4 is both relevant
11 and necessary to evaluating Defendants’ first-to-file issue. “Evidence is relevant” if it has “any
12 tendency to make a fact more or less probable than it would be without the evidence,” and “the
13 fact is of consequence in determining the action.” FED. R. EVID. 401. That is an “exceedingly
14 low threshold for relevance.” *Rambus Inc. v. Samsung Elecs. Co., Ltd.*, , 2008 WL 2944892,
15 at *1 (N.D. Cal. July 16, 2008); *King v. DePuy Orthopaedics Inc.*, , 2024 WL 6953089, at *2
16 (D. Ariz. July 9, 2024) (“Rule 401 relevance is a low bar”). Exhibit 4 clears the low threshold
17 for relevance here because it is offered in connection with Exhibit 5, which confirmed the
18 Exhibit A to Exhibit 4.

19 **B. The Court May Judicially Notice the Records, Publications, and Data**
20 **contained in Exhibits 7–27**

21 As a general proposition, courts “take judicial notice of . . . information that is available
22 to the public.” *United States v. Basher*, 629 F.3d 1161, 1165 n.2 (9th Cir. 2011); *Hamka v.*
23 *Ramirez*, at *1 nn.1, 3 (D. Dariz. Mar, 31, 2025) (“The Court may take judicial notice of
24 publicly available information”). That includes, for example, “tak[ing] judicial notice of . . .
25 website data” and other data. *Baca ex rel. Nominal Defendant Insight Enters, Inc. v. Crown*,
26 2010 WL 2812697, at *3 (D. Ariz. Jan. 8, 2010), *aff’d sub nom. Baca v. Crown*, 458 F. App’x
27 694 (9th Cir. 2011); *Shah v. GM LLC*, 2023 WL 8852491, at *4 n.6 (N.D. Cal. Dec. 21, 2023)
28 (granting a “request for judicial notice because [certain] data [was] not subject to reasonable

1 dispute and [was] publicly available on the EPA’s website”). And of course courts can “take
2 judicial notice of [a] document as a public record.” *Sierra Club v. EPA*, 762 F.3d 971, 975 n.1
3 (9th Cir. 2014); *Hukman v. Alaska Airlines Inc.*, No. 18-cv-01104-PHX-DLR, 2018 WL
4 6928741, at *2 n.2 (D. Ariz. Nov. 7, 2018) (“The Court may also consider documents subject
5 to judicial notice, including those that are matters of public record”).

6 Again, hewing to precedent, this Court has judicially noticed a “Bulletin” produced by
7 the “the Consumer Financial Protection Bureau (‘CFPB’)” along with “official records of the
8 Maricopa County Recorder[.]” *Hamilton v. Tiffany & Bosco, P.A.*, 2014 WL 4162362, at *3
9 (D. Ariz. Aug. 20, 2014) (Snow, J.); *Coit v. Biltmore Bank*, 2010 WL 2036563, at *1 (D. Ariz.
10 May 19, 2010) (Snow, J.). Likewise, this Court has judicially noticed (1) deeds of trust, (2)
11 assignments of deeds of trust, (3) a “Substitution of Trustee,” (4) and a “Notice of Trustee’s
12 Sale,” among other public records. *See Ruiz v. Deutsche Bank Nat. Trust Co.*, 2013 WL
13 4478931, at *1 n.2 (D. Ariz. Aug. 21, 2013) (Snow, J.); *Kuc v. MTC Fin. Inc.*, 2012 WL
14 5269208, at *1 (D. Ariz. Oct. 24, 2012) (Snow, J.).

15 With this extensive line of precedent in mind, this Court can judicially notice Exhibits
16 7–27. And, as explained below, Plaintiffs do not offer any credible argument to the contrary.

17 **i. This Court can judicially notice Exhibits 7–10, which are Trade**
18 **Names and Filings**

19 Courts can judicially notice the Arizona Secretary of State’s records and publications.
20 *See Lake v. Fontes*, 83 F.4th 1199, 1201 n.3 (9th Cir. 2023) (“we take judicial notice of relevant
21 Arizona statutes and the Secretary of State’s 2019 Election Procedures Manual”). Likewise,
22 “[a] district court may properly take judicial notice of public records filed with the Arizona
23 Corporation Commission because such filings are ‘not subject to reasonable dispute.’”
24 *Robinson v. Heritage Elementary Sch.*, 2009 WL 1578313, at *1 n.3 (D. Ariz. June 3, 2009)
25 (quotation omitted); *Chabrowski on behalf of ARTBE Enters., LLC v. Litwin*, No. 16-cv-
26 03766-PHX-DLR, 2017 WL 2841212, at *1 (D. Ariz. Jan. 19, 2017) (same). And, more
27 generally, courts may “take judicial notice of public records such as [a] fictitious business
28 name statement” *B-K Lighting, Inc. v. Vision3 Lighting*, 2006 WL 8421831, at *3 n.14

1 (C.D. Cal. Nov. 14, 2006); *see also Lucky Inn LLC v. Northfield Ins. Co.*, 2025 WL 2029261,
2 at *2 (D. Ariz. July 21, 2025) (“The Court . . . confirmed Lucky Inn’s foreign LLC name
3 registration and takes judicial notice of the same”); *Chinitz v. Intero Real Estate Servs.*, No.
4 18-cv-5623, 2021 WL 1375837, at *3–4 (N.D. Cal. Apr. 12, 2021) (judicially noticing a
5 party’s “list of trade names” because they were “matters of public record”); *Gerritsen v.*
6 *Warner Bros. Entm’t Inc.*, 112 F. Supp. 3d 1011, 1033 (C.D. Cal. 2015) (“taking judicial notice
7 of business profile on California Secretary of State’s website”).

8 Exhibits 7–10 are Arizona Secretary of State website materials, including the Arizona
9 Secretary of State profiles for Sonoran Radiology Ltd. and Sun City Imaging, Ltd. Defendants
10 request that the Court judicially notice Exhibits 7–10 in the context of the conclusions, not
11 well pled facts, by United in its Complaint that Sonoran is a “sham entity” and that Dr. Jason
12 Barclay-White provided services on behalf of Sun City Imaging, Ltd., not Sonoran. The
13 existence of these judicially noticeable documents is relevant for the court’s consideration in
14 evaluating the allegations in United’s Complaint because a court is not required to accept as
15 true “allegations contradicting documents that are referenced in the complaint or that are
16 properly subject to judicial notice.” *Kibodeaux v. Wells Fargo Bank, N.A.*, 2010 WL 3023827
17 at *2 (D. Ariz. Aug. 2, 2010) (J. Snow) (quoting *Lazy Y Ranch Ltd. v. Behrens*, 546 F.3d 580,
18 588 (9th Cir.2008)).

19 United generally opposes judicial notice of Exhibits 7–27 without offering any
20 argument as to Exhibits 7–10 specifically. *See* Dkt. 31 at 6–7. United does not disagree that
21 Exhibits 7–10 contain information (trade names and filings) that is generally subject to judicial
22 notice. Nor does it (or could it) dispute the authenticity/accuracy Exhibits 7–10, much less
23 argue that those exhibits lack relevance. In other words, United does “not deny that each
24 document for which judicial notice is sought is not subject to reasonable dispute for certain
25 purposes because, at least for those purposes, their accuracy cannot reasonably be questioned.”
26 *Adomitis ex rel. United States v. San Bernardino Mountains Cmty. Hosp. Dist.*, 816 F. App’x
27 64, 65 n.1 (9th Cir. 2020). Instead, United’s only tactic is to insist that judicial notice of
28 Exhibits 7–10 “is improper[,]” because that would supposedly amount to “judicial

1 determination of disputed facts.” *Id.* Nonsense. The Court is perfectly capable of judicial
2 noticing the existence of Exhibits 7–10 without deciding any disputed fact, as United does not
3 (and cannot) reasonably dispute the authenticity of Exhibits 7–10. *See Robinson*, 2009 WL
4 1578313, at *1 n.3; *Chabrowski*, 2017 WL 2841212, at *1; *Lucky Inn*, 2025 WL 2029261, at
5 *2. United otherwise cites no case where a court declined to judicially notice information and
6 documents akin to Exhibits 7–10.

7 **ii. This Court can judicially notice Exhibit 11, which is the NUCC**
8 **1500 Claim Form Reference**

9 Aside from business registration records discussed above, courts may judicially notice
10 publicly available manuals, such as the “The National Uniform Claim Committee
11 Guidelines.”¹ *Attenello v. Aetna Life Ins. Co.*, No. 2:25-cv-04869-WLH-E, 2025 WL 2661772,
12 *2 (C.D. Cal. Sept. 16, 2025); *see also Threshold Enterprises Ltd. v. Pressed Juicery, Inc.*,
13 445 F. Supp. 3d 139, 146 (N.D. Cal. 2020) (“In general, websites and their contents may be
14 judicially noticed”).

15 Exhibit 11 is the NUCC Manual. Defendants request that the Court judicially notice
16 Exhibit 11 for the purposes of providing context on the industry standard medical claim form
17 and the information contained therein. Defendants are not requesting that the Court accept the
18 contents of Exhibit 11 as true for purposes of factfinding.

19 As with Exhibits 7–10, United generally objects to judicial notice of Exhibit 11 without
20 disputing its authenticity or relevance. The only apparent counterargument is that judicially
21 noticing Exhibit 11 would also amount to “judicial determination of disputed facts.” *See* Dkt.
22 31 at 6–7. Again, this is a red herring because United does not (and cannot) reasonably dispute
23 the authenticity of Exhibit 11, which means that judicially noticing it would not determine any
24 disputed fact. *See Attenello*, 2025 WL 2661772, at *2. United otherwise cites no case where a
25 court declined to judicially notice a manual resembling Exhibit 11.

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27 _____
28 ¹ <https://www.nucc.org/index.php/1500-claim-form-mainmenu-35/1500-instructions-mainmenu-42>

1 **iii. This Court can judicially notice Exhibits 12–27, which are CMS**
2 **Reassignment and Revalidation Materials**

3 Finally, “judicially noticeable data[] include[s] data from the website of the U.S.
4 Centers for Medicare & Medicaid Services (‘CMS’).” *United States ex rel. Moore v.*
5 *Regeneron Pharmaceuticals, Inc.*, 2024 WL 4243026, at *4 (C.D. Cal. July 31, 2024). And
6 “the Court may [otherwise] take judicial notice of public records such as those issued by
7 CMS.” *Edgar A. Gamboa, M.D. Med. Corp. v. Becerra*, Case No. 5:22-cv-02865-EJD, 2023
8 WL 6391490, at *2 n.1 (N.D. Cal. Sept. 29, 2023) (quotation omitted).

9 Exhibits 12–27 are materials from CMS’s website related to reassignment and
10 revalidation materials whereby providers assign their billing rights to entities, pursuant to
11 Medicare Regulations. *See* RJN at p. 6. Defendants request that the Court judicially notice
12 Exhibits 12–27 for the purposes of providing context when the court is evaluating the
13 plausibility of the factual allegations in the Complaint. Defendants are not requesting that the
14 Court accept the contents of Exhibits 12–27 as true for purposes of factfinding, however, even
15 the existence of Exhibits 12-27 are relevant context given the breadth of United’s allegations
16 and its insistence that “United is just a sham entity,” such that “all claims billed by it were
17 necessarily pass-through billed” and that “all claims that Sonoran submitted to the IDR process
18 were improper.” *Opp.* at p. 15.

19 United once again does not (and cannot) dispute the authenticity or relevance of
20 Exhibits 12–27. Its only apparent argument seems to be the same contention that judicially
21 noticing these exhibits would likewise amount to “judicial determination of disputed facts.”
22 *See* Dkt. 31 at 6–7. But this conjecture once again fails to move the needle because the Court
23 can judicially notice Exhibits 12–27 without deciding any disputed fact. *See Moore*, 2024 WL
24 4243026, at *4; *Edgar A. Gamboa, M.D. Med.*, 2023 WL 6391490, at *2 n.1. And United
25 cannot manufacture factual disputes in Opposition by simply insisting that it disputes every
26 item for which Defendants’ seek judicial notice; United is bound by its allegations in its
27 Complaint and cannot create a factual dispute through mere *ipse dixit*. *See Akhtar v. Mesa*, 698
28 F.3d 1202, 1212 (9th Cir. 2012) (court is limited to “allegations contained in the pleadings,

1 exhibits attached to the complaint, and matters properly subject to judicial notice”)

2 United otherwise cites no case where a court declined to judicially notice data and
3 materials resembling Exhibits 12–27. Moreover, it is well established that the Court “need
4 not... accept as true allegations that contract matters properly subject to judicial notice[.]”
5 *Gonzalez v. Planned Parenthood of Los Angeles*, 759 F.3d 1112, 1115 (9th Cir. 2014) (quoting
6 *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir.2001)).

7 **III. CONCLUSION**

8 United agrees that the Court can judicially notice Exhibits 1–3 and 5–6 attached to
9 Defendants’ RJN. Dkt. 31 at 4. Additionally, the Court can (and should) judicially notice
10 Exhibits 4 and 7–27 for the reasons set forth above and in Defendants’ RJN.

11
12 Dated: January 9, 2026

Respectfully submitted,
KING & SPALDING LLP

13
14
15 By: /s/Christopher Jew
16 Glenn Solomon
17 Sara Brinkmann
18 Christopher Charles Jew
19 Connor R. Brewer
20 William Mavity
21 *Attorneys for Defendants*
22
23
24
25
26
27
28