

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

U.S. ANESTHESIA PARTNERS, INC., et al.,

Defendants.

Case No.: 4:23-CV-03560-KH

Plaintiff Federal Trade Commission's Motion for Entry of Protective Order

Plaintiff Federal Trade Commission met and conferred with Defendants U.S. Anesthesia Partners, Inc. and Welsh Carson to draft a proposed protective order to govern the disclosure of confidential information shared in this litigation. The parties agree that there is good cause for such an order under Federal Rule 26(c) and further agree on appropriate provisions—except with respect to two issues. First, USAP seeks to designate Ki'Jhana Friday as In-House Counsel under the proposed protective order and allow her access to both Confidential and Highly Confidential information. Second, Welsh Carson seeks to designate Othon Prounis as In-House Counsel under the proposed protective order and allow him access to both Confidential and Highly Confidential information, without any restriction on his ability to engage in competitive decision making.

For the reasons stated in the accompanying memorandum of law, Plaintiff Federal Trade Commission respectfully requests that the Court enter the FTC's proposed protective order, deny Ms. Friday access to Highly Confidential Material, and deny Mr. Prounis access to Confidential and Highly Confidential Material.

Dated: May 9, 2024

Respectfully submitted,

/s/ Timothy Kamal-Grayson
Timothy Kamal-Grayson (*Pro Hac Vice*)

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*Counsel for Plaintiff Federal Trade
Commission*

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for the FTC, U.S. Anesthesia Partners, Inc., and the Welsh Carson defendants met and conferred about entry of a protective order and were unable to agree. The parties exchanged emails and met via videoconferencing software on the dates and times below.

- April 11, 2024: 3:00 – 4:00 pm ET
- April 15, 2024: 4:00 – 4:30 pm ET
- April 23, 2024: 3:30 – 4:00 pm ET
- April 24, 2024: 12:00 – 1:00 pm ET

Dated: May 9, 2024

/s/ Timothy Kamal-Grayson
Timothy Kamal-Grayson (*Pro Hac Vice*)

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*Counsel for Plaintiff Federal Trade
Commission*

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the Plaintiff Federal Trade Commission's Motion for Entry of Protective Order, Proposed Protective Order, Memorandum of Law, Appendix of Authorities, and the Declaration of Michael Arin and accompanying exhibits to be served on all counsel of record using the ECF system of the United States District Court for the Southern District of Texas.

Dated: May 9, 2024

/s/ Timothy Kamal-Grayson
Timothy Kamal-Grayson (*Pro Hac Vice*)

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