

**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

**UNOPPOSED MOTION TO AMEND ORDER SETTING SCHEDULING**

Defendant U.S. Anesthesia Partners, Inc. (“USAP”) seeks a modest, 30-day extension of the fact-discovery deadline so it may take the depositions of the 7 third parties listed below that, due to those third parties’ scheduling constraints, cannot be squeezed into the current schedule, and so that it may resolve limited outstanding document production issues with those third parties. USAP served subpoenas seeking documents from these third parties months ago and has diligently attempted to schedule their depositions for weeks—but unavoidable witness-availability issues and document-production delays mean that these depositions cannot be completed by April 30, 2025. Extending the fact-discovery deadline for this limited purpose to May 30, 2025, will accommodate those scheduling constraints. The third parties to be deposed are:

Memorial Hermann Health System (two witnesses);  
HMS Holding Corp. (one witness);  
CommonSpirit Health, LLC (one witness);  
Surgical Care Affiliates, LLC (one witness);  
Aetna Inc. (one witness); and  
NorthStar Anesthesia, P.A. (one witness).

The FTC does not oppose this extension, provided that other dates in the scheduling order also are extended 30 days, as reflected in the table below and the attached proposed order.

<b>Event</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Initial Disclosures	May 13, 2024	Completed
Discovery Opens	May 13, 2024	Completed
Substantial Completion of Document Production in Response to First Set of Requests for Production	December 16, 2024	Completed
Fact Discovery Closes	April 30, 2025	May 30, 2025
Initial Expert Reports	June 25, 2025	July 25, 2025
Rebuttal Expert Reports	August 20, 2025	September 19, 2025
Reply Expert Reports	October 1, 2025	October 31, 2025
Close of Expert Discovery	October 22, 2025	November 21, 2025
Dispositive Motions	December 5, 2025	January 5, 2026
Oppositions to Dispositive Motions	January 20, 2026	February 19, 2026
Replies to Dispositive Motions	February 19, 2026	March 23, 2026
Docket Call	May 20, 2026, at 11:30 am	To be set by the Court

On October 3, 2024, the Court entered its First Amended Scheduling Order, ECF No. 173, adopting the parties' proposed plan, ECF No. 169. After meeting and conferring to avoid disputes and preserve an orderly discovery process, USAP respectfully submits—on an unopposed basis—that good cause exists to extend the fact-discovery deadline 30 days for the limited purpose of completing already-noticed depositions of the 7 third parties identified above, depositions of identified nonparties, and already propounded document discovery.<sup>1</sup> The parties will have completed 21 party depositions and 37 third-party depositions in the fact-discovery period concluding on April 30, 2025. But 7 third-party depositions have been scheduled or will

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<sup>1</sup> These depositions will occur no later than May 30, 2025.

be scheduled after April 30, 2025.<sup>2</sup> For example, third party Memorial Hermann has confirmed that its two witnesses—Chief Strategy & Legal Officer Joshua Urban and Senior Vice-President Alyssa Linton—cannot appear until May 19 and May 22 or 23, 2025, respectively, because their schedules and the hospital system’s rolling document production leave no earlier dates open. *See* Ex. A at 2 (Email from E. Zilberman to G. Knofczynski, Apr. 14, 2025). Similarly, NorthStar Anesthesia, a third-party competitor, has explained that it cannot prepare a Rule 30(b)(6) deponent by April 30, 2025, and has asked to schedule any deposition in May 2025. *See* Ex. B at 1 (Email from K. Thompson to D. Howe, Apr. 16, 2025). And other third parties have also told USAP that their witnesses are available only after April 30, 2025.

Limited other discovery is also ongoing. For example, USAP agreed to the FTC’s request for an extension to May 16, 2025, to serve responses to USAP’s Requests for Admission. And third parties Blue Cross Blue Shield of Texas; the Baylor Scott & White entities; Health Management Solutions, LLC; Memorial Hermann; National Partners in Healthcare; and Surgical Care Affiliates have advised that they anticipate completing their document productions after April 30, 2025.

The Court should therefore enter the proposed amended scheduling order.

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<sup>2</sup> On April 15, 2025, USAP advised the FTC that, due to scheduling constraints, witnesses of the following third-party entities could not be available prior to April 30, 2025: Memorial Hermann Health System (Joshua Urban and Alyssa Linton); HMS Holding Corp.; CommonSpirit Health, LLC; Surgical Care Affiliates, LLC; Aetna Inc.; and NorthStar Anesthesia, P.A. In addition, depositions of certain USAP witnesses have been scheduled after April 30, 2025, due to the witnesses’ scheduling constraints (Michael Saunders, Kori Dennis, Brian McCort, and Brian Regan).

Dated: April 24, 2025

Respectfully submitted,

David J. Beck (TX Bar No. 00000070)  
(Federal I.D. No. 16605)  
BECK REDDEN LLP  
1221 McKinney Street, Suite 4500  
Houston, TX 77010  
Tel: (713) 951-3700  
Fax: (713) 951-3720  
dbeck@beckredden.com

/s/ Mark C. Hansen

Mark C. Hansen (D.C. Bar No. 425930)  
(*Pro Hac Vice*)  
Attorney-in-Charge  
Geoffrey M. Klineberg (D.C. Bar No. 444503)  
(*Pro Hac Vice*)  
Rebecca A. Beynon (D.C. Bar No. 451496)  
(*Pro Hac Vice*)  
KELLOGG, HANSEN, TODD,  
FIGEL & FREDERICK, P.L.L.C.  
1615 M Street N.W., Suite 400  
Washington, D.C. 20036  
Tel: (202) 326-7900  
Fax: (202) 326-7999  
mhansen@kellogghansen.com  
gklineberg@kellogghansen.com  
rbeynon@kellogghansen.com

*Counsel for Defendant U.S. Anesthesia Partners, Inc.*

### **CERTIFICATE OF AUTHORIZATION**

Under The Civil Justice Reform Act of 1990, 28 U.S.C. § 473(b)(3), and the Cost and Delay Reduction Plan adopted by the Court on October 24, 1991, we hereby certify that this Motion, which “requests . . . extensions of deadlines for completion of discovery,” has been authorized by Defendant U.S. Anesthesia Partners, Inc.

*/s/ David Anderson*

David Anderson  
Senior Vice President - Legal  
U.S. Anesthesia Partners

*/s/ Mark C. Hansen*

Mark C. Hansen

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2025, I filed the foregoing document with the Court and served it on opposing counsel through the Court’s CM/ECF system. All counsel of record are registered ECF users.

*/s/ Mark C. Hansen*

Mark C. Hansen

### **CERTIFICATE OF CONFERENCE**

I hereby certify that the parties conferred and agree with the relief requested. Thus, this Motion is unopposed.

*/s/ Mark C. Hansen*

Mark C. Hansen