

**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  
Notice of Order to Dismiss Appeal Entered by Fifth Circuit**

The FTC opposed Defendant U.S. Anesthesia Partners, Inc.'s Motion for Stay Pending Interlocutory Appeal in part because neither issue presented is appealable under the collateral order doctrine. *See* FTC's Opp. to USAP's Mot. for Stay Pending Interlocutory Appeal 1-8, ECF No. 159. Consistent with that position, the FTC filed a motion in the Fifth Circuit seeking to dismiss USAP's appeal for lack of appellate jurisdiction. *See* FTC's Notice of Motion to Dismiss Appeal Filed in Fifth Circuit, ECF No. 164. The Fifth Circuit granted the FTC's motion to dismiss on August 15, 2024. The Fifth Circuit's order is attached as Exhibit A.

The FTC and USAP agree that there is no longer reason for this Court to rule on USAP's Motion for Stay Pending Interlocutory Appeal, ECF No. 155. Accordingly, the Court should deny USAP's motion as moot.

Dated: August 15, 2024

Respectfully submitted,

/s/ Timothy Kamal-Grayson

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Commission*

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I caused the Plaintiff Federal Trade Commission's Notice of Order to Dismiss Appeal Entered by Fifth Circuit and accompanying exhibit 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: August 15, 2024

/s/ Timothy Kamal-Grayson  
Timothy Kamal-Grayson