

ENTERED

November 30, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

VS.

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

Defendants.

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CIVIL ACTION NO. 4:23-CV-03560

**ORDER DENYING NON-PARTY ENVISION HEALTHCARE CORPORATION’S
OPPOSED MOTION TO SEAL**

The Court has considered Non-Party, Envision Healthcare Corporation’s opposed motion to Seal, [DE 74], and all related exhibits and briefs and **FINDS** that the public’s presumptive right of access to judicial records outweighs Envision’s interests in maintaining the document(s) UNDER SEAL or in redacting same.

Thus, the Court FINDS that:

- a) the public has a strong interest in knowing the content of the FTC’s claims regarding the USAP/Envision market allocation;
- b) Envision, while not a party to the FTC’s litigation is the “counterpart to a market allocation agreement with USAF that the FTC alleges is unlawful;
- c) the proffers and arguments made by Envision concerning its motion to seal fails to demonstrate how the disclosure of the market allocation information will negatively impact Envision’s “competitive edge”, if any, or otherwise be harmed;
- d) the arguments and supporting data provided by Envision fail to establish how the descriptive language that the FTC concerning a decade old document will undercut Envision’s competitive edge;
- e) the FTC’s pleadings do not quote the language of Strategic Alliance Agreement,

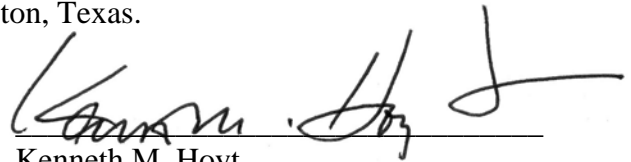
but instead uses language that characterizes certain of its terms; and,

- f) finally, Envision fails to show how disclosure could prove injurious to its reputation in an implemented but completed bankruptcy Plan.

Accordingly, the Motion is **DENIED**, and it is hereby **ORDERED** that the Clerk of Court shall (1) UNSEAL the FTC's Complaint that was submitted under seal on October 26th (DE 69) without further redactions and, (2) unseal Envision's Motion (DE 74) and exhibits, the FTC's Opposition to Envision's motion (DE 81) and any exhibits and any reply.

It is so ORDERED.

SIGNED on November 30, 2023, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge