

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FEDERAL TRADE COMMISSION,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 4:23-CV-03560
	§	
VS.	§	
	§	
U.S. ANESTHESIA PARTNERS, INC., <i>et</i>	§	
<i>al.</i> ,	§	
	§	
Defendants.	§	

**NON-PARTY THE CIGNA GROUP’S UNOPPOSED MOTION TO SEAL
CONFIDENTIAL INFORMATION**

Non-party The Cigna Group (“Cigna”) respectfully moves the Court to maintain certain highly confidential and competitively sensitive information contained in Exhibit 7 (Capps Reply Report) of ECF 305 (Defendant’s Response in Opposition to Exclude Expert Opinions and Analyses Not Contained in Expert Reports (“ECF No. 305-7”) under seal. Cigna has been informed that Defendant U.S. Anesthesia Partners, Inc. (“USAP”) plans to file ECF No. 305-7 on the public docket, which it filed under seal on February 20, 2026. On March 13, 2026, in granting USAP’s motion to file ECF No. 305 under seal, the Court ordered that producing entities had fourteen days from the date of the Order to file a motion to seal any portion of the documents contained in ECF No. 305.

Cigna has conferred with both the Plaintiff and Defendant regarding the relief sought in this motion. Both parties have informed Cigna that they do not oppose Cigna’s motion. Cigna is not proposing that all references to its information in ECF No. 305-7 be sealed in their entirety, but instead that targeted redactions be applied to protect to only its most sensitive business information. Cigna proposed its redactions with the goal of ensuring the redactions are limited to

highly confidential competitively sensitive information commonly sealed in similar litigations. The proposed information that Cigna requests this Court redact and seal is further described in **Exhibit A**.

ARGUMENT

While courts have recognized the public’s right to inspect judicial records, “the public’s common law right [...] is not absolute” and access may be denied “where court files might have become a vehicle for improper purposes.” *See Belo Broadcasting Corp. v. Clark*, 654 F.2d 423, 434 (5th Cir. 1981), quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978).

“Courts in this circuit have sealed documents to prevent the disclosure of confidential business information.” *DISH Network, LLC v. WLAJ-TV, LLC*, No. CV 16-0869, 2017 WL 1333057, at 2* (W.D. La. Apr. 3, 2017) citing *Doe v. A Corp.*, 709 F.2d 1043, 1045 (5th Cir. 1983) (noting the district court granted a motion to seal documents “to prevent possible disclosure confidential information concerning [a company's] affairs”); *Decapolis Grp., LLC v. Mangesh Energy, Ltd.*, No. 3:13-CV-1547-M, 2014 WL 702000, at *2 (N.D. Tex. Feb. 24, 2014) (granting a motion to seal an arbitration award in part to protect sensitive business information such as strategic data).

I. CONFIDENTIAL COMPETITIVELY SENSITIVE BUSINESS INFORMATION REGARDING PRICING AT CIGNA’S CONTRACTED ANESTHESIA SERVICE PROVIDERS

Cigna moves to seal, through targeted redactions, only those references in Exhibit A which contain highly confidential references to confidential pricing at Cigna’s contracted anesthesia service providers in specific geographic areas. Cigna would suffer irreparable harm if the information in these references were publicly disclosed and thus made available to its competitors, potential competitors and other third parties. If this information were made available to the public, Cigna’s competitors and other physician groups or hospitals could use

this information to Cigna’s disadvantage. As described in the declaration of Stephen Watkins, Cigna takes care to make sure that such information is not disclosed. Further, the Fifth Circuit has previously affirmed the district court’s exercise of discretion to require redaction of “prices, rates, projections, and other financial information ...[including] reimbursement rates and percentages” as Cigna seeks to do here. *See Vantage Health Plan, Inc. v. Willis-Knighton Med. Ctr.*, 913 F.3d 443, 451 (5th Cir. 2019).

Neither FTC nor USAP opposes Cigna’s proposed redactions; therefore, the proposed redactions are not in dispute. Further, Cigna does not seek to redact all references to its information contained in ECF 305-7. Rather, it seeks only to redact the exact rates or prices associated with its contracted anesthesia service providers in specific localities, in order to protect its most sensitive confidential information. *See Jones v. RealPage, Inc.*, No. 3:19- cv-2087-B, 2021 WL 268824, at *1-2 (N.D. Tex. Jan. 27, 2021) (granting the defendant’s request for “minimal redactions” of a court order as doing so would not “contravene the purpose behind public access to judicial records”). Cigna does not propose any redactions to Defendants Motion at ECF 305, and only minimal redactions to Exhibit 7 of said Motion. Therefore, the potential harm to Cigna outweighs the public’s right to access the contracted pricing information.

CONCLUSION

Cigna respectfully requests that the Court grant its Unopposed Motion to Seal Confidential Information.

Dated: March 27, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing Non-party The Cigna Group's Unopposed Motion to Seal Information, Exhibit A, Proposed Order, and Declaration 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: March 27, 2026

/s/ William Dolan

William Dolan*

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(*motion to appear pro hac vice pending)

Attorney for The Cigna Group

EXHIBIT A

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Citation	Description	Cigna's Basis for Sealing
Figure 15 at Page 60.	Graph showing an analysis of the correlation between price per case and price per unit measures based on Cigna's internal confidential claims data for the Houston area.	The references consist of internal, non-public, highly confidential pricing data relating to Cigna's confidential contracts with anesthesia service providers in Texas. While specific providers are not referenced, given the localized nature of the data, and specificity of the pricing data provided within each reference, Cigna would suffer irreparable harm should this information be made public.
Figure 16 at Page 61.	Graph showing an analysis of the correlation between price per case and price per unit measures based on Cigna's internal confidential claims data for the Dallas area.	The references consist of internal, non-public, highly confidential pricing data relating to Cigna's confidential contracts with anesthesia service providers in Texas. While specific providers are not referenced, given the localized nature of the data, and specificity of the pricing data provided within each reference, Cigna would suffer irreparable harm should this information be made public.
Figure 17 at Page 62.	Graph showing an analysis of the correlation between price per case and price per unit measures based on Cigna's internal confidential claims data for the Austin area.	The references consist of internal, non-public, highly confidential pricing data relating to Cigna's confidential contracts with anesthesia service providers in Texas. While specific providers are not referenced, given the localized nature of the data, and specificity of the pricing data provided within each reference, Cigna would suffer irreparable harm should this information be made public.

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DECLARATION OF STEPHEN WATKINS

Stephen Watkins declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am over twenty-one years of age, I have personal knowledge of the facts stated herein, and I am in all respects competent to make this Declaration. These facts are based on my personal knowledge.
2. I am employed as Vice President, Network Management at The Cigna Group (“Cigna”), and I have served in that role since November, 2017. In this capacity I have full and regular access to Cigna’s confidential proprietary and competitively sensitive business information.
3. I submit this declaration in support of Non-party Cigna’s Unopposed Motion to Seal Confidential Information contained in Exhibit 7 (Capps Reply Report) of ECF 305 (Defendant’s Response in Opposition to Exclude Expert Opinions and Analyses Not Contained in Expert Reports (“ECF No. 305-7”). I have reviewed the highly confidential information in the Complaint that Cigna has moved the Court to seal through targeted redactions.

4. Cigna asks the Court to keep sealed and prevent from being disclosed to the public Cigna's confidential information contained in ECF 305-7 as identified in Exhibit A to Cigna's Unopposed Motion to Seal:
 - a. Figure 15 at Page 60: graph showing an analysis of the correlation between price per case and price per unit measures based on Cigna's aggregated claims data for the Houston area.
 - b. Figure 16 at Page 61: graph showing an analysis of the correlation between price per case and price per unit measures based on Cigna's aggregated claims data for the Dallas area.
 - c. Figure 17 at Page 62: graph showing an analysis of the correlation between price per case and price per unit measures based on Cigna's aggregated claims data for the Austin area.
5. Each of these references contain Cigna's highly confidential information. Based on my knowledge of the highly confidential information in these materials, I know that Cigna has taken reasonable steps to maintain the secrecy of this information.
6. The references consist of internal, non-public, highly confidential pricing data relating to Cigna's confidential contracts with anesthesia service providers in Texas. While specific providers are not referenced, given the localized nature of the data, and specificity of the pricing data provided within each reference, Cigna would suffer irreparable harm should this information be made public.
7. Each of the figures identified by Cigna in Exhibit A to its Unopposed Motion to Seal references confidential data produced by Cigna from 2014 to 2023.

8. The competitively and commercially sensitive information in these references is sufficiently valuable to afford a potential or actual advantage to others. Their disclosure to existing or potential business competitors, vendors, or other third parties would cause a material injury to Cigna's commercial, competitive, or financial interests. The disclosure of these documents would likely result in serious competitive injury to Cigna.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

EXECUTED this 26th day of March, 2026.

Stephen Watkins

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FEDERAL TRADE COMMISSION,

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Defendants.

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CIVIL ACTION NO. 4:23-CV-03560

[PROPOSED] UNOPPOSED ORDER

The Court has considered Non-Party The Cigna Group’s Unopposed Motion to Seal Confidential Information and hereby **GRANTS** the motion.

It is so **ORDERED**.

SIGNED on this day ___ of March 2026, at Houston, Texas.