

# YetterColeman LLP

April 11, 2024

*Via E-file*

Hon. Kenneth M. Hoyt  
United States District Judge  
United States Courthouse  
515 Rusk, 11th Floor, Room 11-144  
Houston, Texas 77208

Re: *FTC v. U.S. Anesthesia Partners, Inc., et al.*, No. 23-cv-3560 (S.D. Tex.)

Dear Judge Hoyt:

On behalf of the Welsh Carson entities, we respectfully submit this letter to correct a statement made by the FTC during Monday's hearing on the motions to dismiss. During argument, the FTC represented to the Court that slide 5 of the Welsh Carson entities failed to include all of the FTC's cases before this Court because it omitted *FTC v. Kennedy*, 574 F. Supp. 2d 714 (S.D. Tex. 2008), which was cited in the FTC's briefing. The FTC is incorrect.

The *Kennedy* case is the same docket as *FTC v. WebSource Media LLC*, which the Welsh Carson entities identified on slide 5. *See* No. H-06-1980 (S.D. Tex. 2006). In that case, as slide 5 reflects, the FTC sought a preliminary injunction against defendant WebSource and individual defendant Steven Kennedy, which the Court granted. *See* Agreed Prelim. Inj. Order Freezing Certain Assets & Appointing a Temp. Receiver, *FTC v. WebSource Media, LLC*, No. H-06-1980 (June 21, 2006), ECF 47. Slide 5 lists all of the actions brought by the FTC before this Court that the Welsh Carson entities were able to identify, including the *Kennedy* case. As noted during the argument, in all of those cases (including as against Kennedy), the FTC sought a preliminary injunction; it has not done so in the above-captioned action.

Respectfully submitted,



R. Paul Yetter  
Counsel for the Welsh Carson defendants

cc (w/encl.): Cynthia Horace, Case Manager (via email)  
All counsel of record