

**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

**DEFENDANT U.S. ANESTHESIA PARTNERS, INC.’S UNOPPOSED  
MOTION TO TEMPORARILY SEAL**

Pursuant to Federal Rules of Civil Procedure 5.2(d) and (e) and the governing protective order, Defendant U.S. Anesthesia Partners, Inc. (“USAP”) respectfully moves the Court to temporarily seal the unredacted version of USAP’s Motion for Summary Judgment and supporting exhibits. In support of this motion, USAP states as follows:

1. On May 28, 2024, the Court entered a protective order to prevent the unauthorized disclosure and use of confidential information during and after the litigation. *See* Order on Motion For Protective Order (May 28, 2024), Dkt. No. 152; FTC Revised Proposed Protective Order (May 17, 2024) (“Protective Order”), Dkt. No. 149-1. The Protective Order prohibits the filing of “Confidential or Highly Confidential Materials . . . in the public record.” Protective Order ¶ 9. If a filing contains such materials, “the filing party or nonparty will seek leave from the Court to file the Confidential or Highly Confidential Material under temporary seal.” *Id.* The filing party must also “file on the public record a duplicate copy of the paper that does not reveal the Confidential or Highly Confidential Material.” *Id.*

2. On March 5, 2025, the Court entered a Supplemental Protective Order. *See* Supplemental Protective Order (March 5, 2025), Dkt. No. 244. In that Order, the Court reaffirmed that “[f]or any pretrial motions, the parties will follow paragraph 9 of the May 2024 Protective Order for filing Confidential and Highly Confidential Materials under seal.” *Id.* ¶ 4.

3. USAP’s Motion for Summary Judgment and supporting exhibits contain material that USAP and nonparties have designated Confidential or Highly Confidential.

4. USAP has conferred with counsel for the Federal Trade Commission. Counsel indicated that the FTC does not oppose this motion.

5. USAP will notify producing entities whose information is contained in the filings who will have fourteen days from the Court’s order to provide a basis for maintaining the records under seal. A Proposed Order consistent with the relief sought herein is attached.

Dated: February 10, 2026

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Respectfully submitted,

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

**CERTIFICATE OF CONFERENCE**

I hereby certify that on February 9, counsel for USAP conferred via email with counsel for the FTC concerning the relief requested in this motion to seal. I am authorized to state that the FTC does not oppose this motion.

Respectfully submitted,

*/s/ Alex P. Treiger*  
\_\_\_\_\_  
Alex P. Treiger

**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2026, 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.

Respectfully submitted,

*/s/ Geoffrey M. Klineberg*  
\_\_\_\_\_  
Geoffrey M. Klineberg

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**[PROPOSED] ORDER GRANTING DEFENDANT U.S. ANESTHESIA  
PARTNERS, INC.'S UNOPPOSED MOTION TO TEMPORARILY SEAL**

The Court has considered U.S. Anesthesia Partners, Inc.'s unopposed Motion To Temporarily Seal and **GRANTS** the motion.

It is **FURTHER ORDERED** that USAP shall provide a copy of this order to producing entities whose information is contained in its Motion for Summary Judgment and accompanying exhibits. Producing entities shall have fourteen days from the date of this Order to file a motion to seal any portion of those documents. Any response in opposition to any motion to seal is due fourteen days after the filing of the motion.

It is so **ORDERED**.

SIGNED on \_\_\_\_\_, 2026, at Houston, Texas

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Kenneth M. Hoyt  
United States District Judge