

**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

**NOTICE OF RE-FILING OF DEFENDANT U.S. ANESTHESIA PARTNERS, INC.'S  
MOTION TO DISMISS THE FTC'S COMPLAINT**

Defendant U.S. Anesthesia Partners, Inc. hereby notifies the Court of its re-filing of the public-facing, redacted version of its Motion To Dismiss.

On November 20, 2023, USAP moved to dismiss the FTC's Complaint. USAP simultaneously requested, without opposition from the FTC, the Court's permission to file that Motion to Dismiss under seal. *See* Dkt. No. 97 (USAP's sealed Motion To Dismiss); Dkt. No. 96 (USAP's Unopposed Motion To Seal). USAP's Motion To Seal remains pending a ruling.

USAP further filed a publicly accessible version of its Motion that redacted limited references to information that the Court previously held to be exempt from public disclosure. *See* Dkt. No. 99 (USAP's redacted Motion To Dismiss); Dkt. No. 80 at 1 (the Court's November 2, 2023 Order). Relevant here, USAP also redacted information that was the subject of non-party Envision Healthcare Corp.'s Motion To Seal. USAP represented that if Envision's Motion were denied, USAP would "submit a revised version of its redacted Motion [To Dismiss] to conform" to the Court's ruling. Dkt. No. 96 at 1.

On November 30, 2023, this Court denied Envision's Motion To Seal, *see* Dkt. No. 109, and subsequently unsealed the version of the FTC's Complaint that discloses those allegations that Envision sought to maintain under seal, *see* Dkt. No. 69. USAP is therefore hereby submitting a modified public version of its previously filed Motion To Dismiss with redactions that conform with the Court's recent Order, Dkt. No. 109.

Dated: December 6, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2023, 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/ Mark C. Hansen*

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Mark C. Hansen