

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ELECTRICAL MEDICAL TRUST and
PLUMBERS LOCAL UNION NO. 68
WELFARE FUND,

Plaintiffs,

v.

U.S. ANESTHESIA PARTNERS, INC.,
U.S. ANESTHESIA PARTNERS
HOLDINGS, INC., and U.S. ANESTHESIA
PARTNERS OF TEXAS, P.A.,

Defendants.

Civil Case No. 4:23-cv-04398

**JOINT STATUS REPORT REGARDING
DISCOVERY**

Hon. Alfred H. Bennett

Pursuant to the agreement in their previous joint status report (ECF No. 159), Plaintiffs Electrical Medical Trust and Plumbers Local Union No. 68 Welfare Fund (“Plaintiffs”) and Defendant U.S. Anesthesia Partners, Inc. (“USAP”) submit this joint status report to update the Court on the progress of discovery negotiations. The parties continue to work productively and have initiated a recurring meet-and-confer schedule.

The parties do not request Court intervention on any issue at this time. Listed below are discovery issues that the parties continue to negotiate and may raise at a future date. The parties propose to file their next joint status report on September 30, 2025.

A. Third-Party FTC Litigation Materials (In Progress)

The parties agreed to a process for notifying third parties that their materials from *Federal Trade Commission v. U.S. Anesthesia Partners, Inc.*, No. 4:23-cv-03560 (S.D. Tex.) (the “FTC Litigation”) will be produced in this action. Since the last status report, Plaintiffs resolved the objections of two third parties. USAP has reproduced the materials of all non-objecting third

parties, including the transcripts for any deposition(s) taken of these third parties during the FTC Litigation. In all, USAP has produced to Plaintiffs nearly 187,000 third-party documents. Plaintiffs are currently addressing the objections of seven third parties, and Plaintiffs will notify the Court if they are unable to resolve any objection.

B. Deposition Limits (In Progress)

The parties are negotiating limits to depositions taken in this case. Plaintiffs provided a proposal for deposition limits to USAP on July 16. USAP provided a counterproposal on August 15. Plaintiffs responded on August 27. The parties anticipate either reaching an agreement or impasse in the near future.

C. USAP's Productions, Additional Search Terms, and Custodians (In Progress)

The parties have been discussing additional search terms that may be applied to some of USAP's document custodians since March 25. The parties have significantly narrowed the range of open issues, and anticipate reaching an agreement or impasse in the near future.

USAP has produced over 305,000 of its own documents to date, consisting of documents that it produced to the FTC during the FTC's pre-Complaint investigation and the FTC Litigation. Pursuant to an agreement between the parties, USAP has also produced many of the materials generated during discovery in the FTC Litigation, including the transcripts of all 25 USAP witnesses deposed by the FTC, as well as 36 deposition transcripts from third-party witnesses. USAP has not produced any documents unique to this case (i.e., documents not produced or generated in the FTC Litigation), given the ongoing negotiations over search terms for USAP's documents.

D. Plaintiffs' Productions (In Progress)

To date, Plaintiffs have produced 469 documents to USAP. The parties are discussing the search terms, custodians, and scope of responsiveness and production with respect to Plaintiffs' upcoming document productions. Plaintiffs provided USAP hit counts on Plumbers Local Union No. 68 Welfare Fund's ("Plumbers") documents for proposed search terms on July 30 and written confirmation of Plaintiffs' positions on their document production on August 5. Plaintiffs have since accepted USAP's proposed revisions to search terms, and the parties have reached an agreement on the majority of search terms. Plaintiffs provided USAP an updated hit count for Plumbers' documents with certain other limited proposed revisions on August 19. Plaintiffs intend to provide revised search terms or hit count reports for Electrical Medical Trust ("EMT") shortly.

As of the filing of this report, to the best of USAP's knowledge, none of the documents Plaintiffs have produced thus far are the product of applying search terms to their custodians' files. Plaintiffs intend to begin rolling productions of custodial documents by September 5. Plaintiffs have also completed a search of EMT's hard-copy documents, and they intend to produce responsive hard-copy documents in the coming weeks. Finally, Plaintiffs have confirmed the inclusion of EMT's claims data within the FTC Litigation data reproductions. Plumbers expect that their claims data is likewise included in the data reproductions and are confirming that that is the case. Blue Cross Blue Shield of Texas ("BCBSTX"), Plumbers' third-party administrator for the majority of the relevant period, anonymized the data it produced in the FTC Litigation. Plumbers have asked BCBSTX to provide information that can be used to de-anonymize that data and are waiting for a response. USAP has asked Plaintiffs for an estimate of when such confirmation might be available, but Plaintiffs do not yet have an estimate

since they are waiting on information from a third party.

On August 5, Plaintiffs responded to Defendants' July 22 letter requesting written confirmation of Plaintiffs' positions on Plaintiffs' document production. USAP replied to Plaintiffs' letter on August 20, and Plaintiffs are evaluating USAP's response. If the parties do not reach an agreement on Plaintiffs' document custodians and the outstanding requests for production, USAP will raise those issues with the Court by September 30. Further, USAP may raise any issue concerning Plaintiffs' document productions with the Court by September 30.

E. Expert Protocol

On Friday, August 22, Plaintiffs provided additional edits to the parties' Order and Stipulated Protocol for Expert Discovery. USAP responded on Monday, August 25 and is awaiting confirmation from Plaintiffs that the protocol may be finalized.

Dated: August 28, 2025

Respectfully submitted,

By: /s/Geoffrey M. Klineberg
Geoffrey M. Klineberg (D.C. Bar No. 444503)
(*pro hac vice*)
Attorney-in-Charge
Kenneth M. Fetterman (D.C. Bar No. 474220)
(*pro hac vice*)
Bradley E. Oppenheimer (D.C. Bar No.
1025006) (*pro hac vice*)
KELLOGG, HANSEN, TODD, FIGEL &
FREDERICK, P.L.L.C.
1615 M Street N.W., Suite 400
Washington, D.C. 20036
Tel: (202) 326-7900
Fax: (202) 326-7999
gklineberg@kelloggghansen.com
kfetterman@kelloggghansen.com
boppenheimer@kelloggghansen.com

David J. Beck (TX Bar No. 00000070)
(Federal I.D. No. 16605)
Garrett S. Brawley (TX Bar No. 24095812)
(Federal I.D. No. 3311277)
BECK REDDEN LLP
1221 McKinney Street, Suite 4500
Houston, TX 77010
Tel: (713) 951-3700
Fax: (713) 951-3720
dbeck@beckredden.com
gbrawley@beckredden.com

Karl S. Stern (TX Bar No. 19175665) (Federal
I.D. No. 04870)
Christopher D. Porter (TX Bar No. 24070437)
(Federal I.D. No. 1052367)
Julianne Jaquith (TX Bar No. 24134925)
(Federal I.D. No. 3921126)
Melanie Guzman (TX Bar No. 24117175)
(Federal I.D. No. 3745044)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
700 Louisiana St., Suite 3900
Houston, TX 77002
Tel: (713) 221-7000

By: /s/Brendan P. Glackin
Brendan P. Glackin (CA Bar No. 199643) (*pro*
hac vice)
Attorney-In-Charge
Lin Y. Chan (CA Bar No. 255027) (*pro hac*
vice)
Nimish Desai (TX Bar No. 24105238, S.D.
Tex. Bar No. 3370303)
Jules A. Ross (CA Bar No. 348368) (*pro hac*
vice)
Benjamin A. Trouvais (CA Bar No. 353034)
(*pro hac vice*)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Phone: (415) 956-1000
Fax: (415) 956-1008
bglackin@lchb.com
lchan@lchb.com
ndesai@lchb.com
jross@lchb.com
btrouvais@lchb.com

Counsel for Plaintiffs and the Proposed Class

Fax: (713) 221-7100
karlstern@quinnemanuel.com
chrisporter@quinnemanuel.com
juliannejaquith@quinnemanuel.com
melanieguzman@quinnemanuel.com

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

CERTIFICATE OF SERVICE

I certify that the foregoing was duly served upon all Counsel of record via the Court's CM/ECF system on August 28, 2025.

By: /s/ Brendan P. Glackin