

**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. 162), 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.

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 October 30, 2025.

A. Fact Discovery Coordination

The parties are discussing a proposal to coordinate fact discovery with *Musharbash v. U.S. Anesthesia Partners, Inc.*, No. 4:25-cv-00116 (S.D. Tex.; Bennett, J.) (the “Patient Case”). The parties anticipate filing a stipulation and proposed order soon.

B. 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 all but six third parties. Plaintiffs will notify the Court if they are unable to resolve any objection.

C. Deposition Limits (On Hold)

The parties have been discussing limits to depositions taken in this case. The parties expect to resolve this topic in connection with Patient Case coordination.

D. USAP’s Productions, Additional Search Terms, and Custodians (On Hold)

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 also been discussing the reproduction of deposition videos and expert reports from the FTC Litigation. The parties expect to resolve these topics in connection with Patient Case coordination.

E. Plaintiffs’ Productions (In Progress)

The parties are discussing the search terms, custodians, and scope of responsiveness and production with respect to Plaintiffs’ document productions. The parties have agreed to the search terms to apply to Plaintiffs’ custodial files, and Plaintiffs have commenced rolling productions. Additionally, Plaintiffs expect to make further productions of non-custodial documents in the coming weeks. Finally, Plaintiffs are still awaiting confirmation from Blue Cross Blue Shield of Texas and UnitedHealthcare Group that Plumbers’ claims data is contained within the FTC Litigation data reproductions.

Dated: September 26, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing was duly served upon all Counsel of record via the Court's CM/ECF system on September 26, 2025.

By: /s/ Brendan P. Glackin