

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

ELECTRICAL MEDICAL TRUST *et al.*,

Plaintiffs,

v.

U.S. ANESTHESIA PARTNERS, INC. *et al.*,

Defendants.

Case No.: 4:23-cv-04398

JOINT STIPULATION REGARDING DEFENDANTS' SECOND AMENDED ANSWER

Plaintiffs Electrical Medical Trust, Inc. and Plumbers Local Union No. 68 Welfare Fund (“Plaintiffs”) and Defendants U.S. Anesthesia Partners, Inc. (“USAP”), U.S. Anesthesia Partners Holdings, Inc., and U.S. Anesthesia Partners of Texas, P.A. (“Defendants”) (collectively, the “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on August 12, 2026, Defendants provided Plaintiffs with a proposed Second Amended Answer (the “Amended Answer”) to Plaintiffs’ Second Amended Complaint (Dkt. 221), which was limited to the addition of two new affirmative defenses directed to rights USAP believes were implicated by Plaintiffs’ August 5, 2026 Responses and Objections to USAP’s Requests for Admission;

WHEREAS, on August 14, 2026, fact discovery in this matter closed per the Scheduling Order (Dkt. 243);

WHEREAS, Defendants requested Plaintiffs’ consent to the filing of the Amended Answer pursuant to Federal Rule of Civil Procedure 15(a)(2);

WHEREAS, the Amended Answer is limited to the addition of a Sixth Affirmative Defense and a Seventh Affirmative Defense and includes no other changes to Defendants' prior operative Answer (Dkt. 229);

WHEREAS, Plaintiffs had previously served Interrogatory No. 1, asking Defendants to identify all facts supporting each of their affirmative defenses;

WHEREAS, the Parties, through their counsel, have met and conferred regarding whether Plaintiffs would consent to the amendment or otherwise oppose a motion for leave to file the Amended Answer;

WHEREAS, the Parties have reached an agreement regarding the filing of the Amended Answer;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, through their respective undersigned counsel, as follows:

1. Plaintiffs will consent to Defendants' Amended Answer pursuant to Fed. R. Civ. P. 15(a)(2);
2. Within two (2) business days of the filing of this Joint Stipulation, Defendants shall file the Amended Answer with the Court;
3. No later than fourteen (14) calendar days after the filing of the Amended Answer, Defendants shall serve a complete supplemental response to Plaintiffs' Interrogatory No. 1 setting forth the facts Defendants contend support the Sixth and Seventh Affirmative Defenses (the "Supplemental Response");
4. For purposes of this Joint Stipulation, a "complete" Supplemental Response means that Defendants agree to answer the Interrogatory fully and clearly, in good faith and to the best of their abilities based on their current understanding of the discovery record to date, consistent with their obligations under Fed. R. Civ. P. 33;

5. Plaintiffs reserve the right to seek additional fact discovery arising from or related to the Supplemental Response. Plaintiffs believe they have not had an opportunity to seek discovery on Defendants' new affirmative defenses because the defenses were raised at the close of discovery. However, in the spirit of compromise, Plaintiffs have agreed in good faith to review Defendants' Supplemental Response to assess whether additional fact discovery is needed;
6. At this time, Defendants do not agree to reopen fact discovery in connection with their forthcoming Supplemental Response, and for the avoidance of doubt, nothing in this Joint Stipulation shall be construed as Defendants' agreement or consent to any particular discovery request, nor as a waiver by Defendants of any objection or argument with respect to any such discovery requests, including but not limited to objections based on timeliness, propriety, scope, burden, relevance, proportionality, or any other ground under the applicable law or the Parties' operative Scheduling Order (Dkt. 243); and
7. To the extent Plaintiffs seek any such additional fact discovery relating to the Supplemental Response, the Parties will meet and confer in good faith regarding the scope and propriety of any such request before seeking relief from the Court. The Parties mutually agree and understand that:
 - a. This Joint Stipulation does not constitute an admission by either Party as to the Amended Answer's timeliness or propriety;
 - b. This Joint Stipulation does not constitute a waiver by any Party of any right to move for further amendment of pleadings under all applicable rules and law; and
 - c. Nothing in this Joint Stipulation shall prejudice any Party's litigation positions, including any other positions relating to fact or expert discovery.

IT IS SO STIPULATED.

Dated: September 10, 2026

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

Respectfully submitted,

By: /s/ Rebecca P. Chang
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

Rebecca P. Chang (NY Bar No. 5493028) (*pro hac vice*)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: 212.355.9500
Facsimile: 212.355.9592
rchang@lchb.com

*Counsel for Plaintiffs Electrical Medical Trust
and Plumbers Local Union No. 68 Welfare Fund
and the Proposed Class*

Houston, TX 77010
Tel: (713) 951-3700
Fax: (713) 951-3720
dbeck@beckredden.com
gbrawley@beckredden.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2026, I caused to be filed the foregoing Stipulation with the Court through ECF filing, which caused a copy to be sent to all counsel of record.

DATED: September 10, 2026

/s/ Geoffrey M. Klineberg