

**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. 226), Plaintiffs Electrical Medical Trust and Plumbers Local Union No. 68 Welfare Fund (“EMT Plaintiffs”) and Defendants U.S. Anesthesia Partners, Inc., U.S. Anesthesia Partners Holdings, Inc., and U.S. Anesthesia Partners of Texas, P.A. (“USAP”) submit this joint status report to update the Court on the progress of discovery.

Listed below are discovery topics, some of which are currently pending before the Court. The parties propose filing their next joint status report on July 16, 2026.

A. Joint Motion to Amend Scheduling Order (Pending Decision by the Court)

On May 29, 2026, the parties filed a joint motion to amend the operative Scheduling Order entered on March 18, 2026 (ECF No. 206). *See* Joint Mot. to Amend Scheduling Order (May 29, 2026), ECF No. 237.

B. Additional EMT Custodians (Pending Decision by the Court)

On June 1, 2026, USAP submitted a letter brief seeking to compel Electrical Medical Trust

(“EMT”) to search for and produce documents for four additional document custodians: Melissa Neitz, Yolanda Villalvazo, Sandy Heck, and Magdalen Vargas. EMT sent a response letter on June 4, 2026.

C. USAP’s Productions (In Progress)

USAP has produced more than 300,000 USAP documents and almost 200,000 nonparty documents,¹ of which approximately 3,700 USAP documents are unique to this case (i.e., documents not produced or generated in the FTC Litigation). On April 24, 2026, USAP completed production of documents responsive to EMT Plaintiffs’ Second Set of Requests for Production.

D. Plaintiffs’ Productions (In Progress)

The EMT Plaintiffs have produced more than 14,000 documents to date, including approximately 2,600 EMT documents and approximately 11,800 Plumbers documents. In December 2025, the EMT Plaintiffs substantially completed production of documents responsive to all presently agreed-upon search parameters, and EMT Plaintiffs completed its remaining productions by February 2026. USAP raised multiple discovery disputes after its Rule 30(b)(6) depositions of EMT and Plumbers. Since then, the parties met and conferred, and EMT Plaintiffs have agreed to produce supplemental document productions from the files of previously agreed-upon custodians. A dispute remains regarding USAP’s request for additional custodians for EMT, about which USAP and EMT Plaintiffs submitted letter briefs in accordance with Court Procedure and Practice B.4 on June 1 and 4, 2026. *See supra*, Part B. Additionally, the EMT Plaintiffs continue to work diligently on fulfilling USAP’s request for claims data from Plaintiff Plumbers and have been meeting and conferring with UnitedHealthcare Group towards that end.

¹ The prior Joint Status Report, filed on May 14, 2026, noted that “USAP has produced more than 400,000 documents to date.” ECF No. 226 at 1. As a point of clarification, USAP has produced more than 300,000 USAP documents and almost 200,000 non-party documents to EMT Plaintiffs.

E. Benefit Resources, Inc. Document Subpoena (Completed)

No dispute with respect to USAP's subpoena to Benefit Resources, Inc. remains. On March 2, 2026, USAP served a document subpoena on third-party Benefit Resources, Inc. ("BRI")—EMT's third-party administrator. After receiving a one-week extension from USAP, BRI served its responses and objections to the subpoena on March 23, 2026. Following conferrals about BRI's responses and objections, USAP and BRI submitted letter briefs in accordance with Court Procedure and Practice B.4 on April 6 and 9, 2026. USAP and BRI have since reached agreement on USAP's document subpoena, and BRI produced responsive documents on May 29, 2026. Consequently, USAP confirmed that BRI's production resolved all issues relating to USAP's document subpoena on June 5, 2026.

F. Depositions (In Progress)

The parties have completed twenty depositions of USAP's current or former employees and scheduled three more. On March 30, 2026, EMT Plaintiffs served a Rule 30(b)(6) deposition on USAP. On April 20, 2026, USAP served its Responses and Objections to EMT Plaintiffs' Rule 30(b)(6) deposition notices. The parties are meeting and conferring on USAP's responses. Additionally, the EMT Plaintiffs have completed two depositions of non-parties.

The parties have completed one Rule 30(b)(6) deposition of Plumbers and one Rule 30(b)(6) deposition of EMT, each of which also encompassed the Rule 30(b)(1) deposition of EMT and Plumbers' designated representatives. The parties have also completed two Rule 30(b)(1) depositions of additional Plumbers witnesses. The parties have scheduled one additional Rule 30(b)(1) deposition for the current remaining EMT custodian. USAP has also served fourteen Rule 30(b)(6) deposition subpoenas on ten third-parties, including BRI, and five Rule 30(b)(1) deposition subpoenas. This includes three 30(b)(1) notices to BRI employees, (Melissa Neitz,

Yolanda Villalvazo, and Magdalen Vargas *see supra* at B), which EMT and BRI have requested be reissued as subpoenas as BRI is a non party. USAP disagrees that these notices need to be reissued as third party subpoenas. The Rule 30(b)(6) deposition of BRI will occur on June 16, 2026. USAP has also issued a third-party document and 30(b)(6) subpoena to The Segal Group, Inc. (“Segal”) a key advisor to both EMT and Plumbers during the Relevant Time Period, to which Segal has objected. A motion to compel is pending before this Court in *U.S. Anesthesia Partners v. The Segal Group, Inc.*, 4:26-mc-00963, which was transferred from the Southern District of New York as a miscellaneous action in May 2026.

Dated: June 11, 2026

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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 June 11, 2026.

By: /s/ Brendan P. Glackin