

UNITED STATES DISTRICT COURT  
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

**ORAL ARGUMENT  
REQUESTED**

**U.S. ANESTHESIA PARTNERS INC'S MOTION FOR HEARING AND ORAL  
ARGUMENT ON USAP'S MOTION TO COMPEL AND NON-PARTY GALLAGHER  
BASSETT SERVICES INC'S MOTION TO QUASH SUBPOENA**

Pursuant to your Honor's Individual Procedures and Practices Rule B(5), Defendants in the above-captioned Action—U.S. Anesthesia Partners, Inc., U.S. Anesthesia Partners Holdings, Inc., and U.S. Anesthesia Partners of Texas, P.A. (together, "USAP")—respectfully submit this Motion for Hearing and Oral Argument on the pending Motion to Compel and Motion to Quash its subpoena (the "Motions") to non-party Gallagher Bassett Services Inc. ("Gallagher"). ECF Nos. 180, 181, 187, and 189.<sup>1</sup> Both USAP and Gallagher requested oral argument in their motion papers. *Id.* USAP twice shared this motion with Gallagher counsel and requested counsel's confirmation that it could be filed unopposed. Gallagher's counsel never responded.

USAP respectfully submits that a hearing and oral argument would be appropriate given the nature of the relief sought in the Motions, in which USAP and Gallagher ask this Court to define the scope of Gallagher's compliance with USAP's subpoena. USAP further requests that this Court set a hearing and oral argument, as discovery in this matter is set to close on June 30, 2026. ECF No. 188. Depending on the disposition of the motions, Gallagher will require time to

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<sup>1</sup> Gallagher's Opposition to USAP's Motion to Compel is due on February 25, 2026. USAP's reply would be due seven days after that filing. All briefing will be complete by March 4, 2026.

collect and produce documents, USAP will need time to review and analyze those documents in advance of depositions.

For all of these reasons, Petitioners respectfully request that this Court set a hearing and oral argument on the Motion for Security at the earliest convenient date for the Court after March 4, 2026.

DATED: February 20, 2026

/s/ Jack A. Simms, Jr.

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**RULE 7 CERTIFICATE OF CONFERENCE**

I hereby certify that both USAP and Gallagher requested oral argument in their motion papers. *See* ECF Nos. 180, 181, 187, and 189. I further certify that to confirm Gallagher’s position with respect to this motion, I emailed Gallagher’s counsel a draft of this motion on Thursday, February 19, 2026, and requested Gallagher’s position on the motion, offered to meet and confer and advised we would be filing at 5pm on Friday, February 20. Gallagher did not respond. I emailed Gallagher’s counsel again on Friday, February 20, 2026 to confirm its position and Gallagher also did not respond to that communication.

DATED: February 20, 2026

/s/ Jack A. Simms, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of February, 2026, I caused to be filed the foregoing memorandum with the Court through ECF filing, which caused a copy to be sent to all counsel of record.

/s/ Jack A. Simms, Jr.

**UNITED STATES DISTRICT COURT  
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ELECTRICAL MEDICAL TRUST, et al.,

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

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Case No. 4:23-cv-04398

**ORAL ARGUMENT  
REQUESTED**

**ORDER SETTING HEARING AND ORAL ARGUMENT ON USAP'S MOTION TO  
COMPEL AND NON-PARTY GALLAGHER BASSETT SERVICES INC'S MOTION  
TO QUASH SUBPOENA**

Before the Court is U.S. Anesthesia Partner's Motion for Hearing and Oral Argument on the pending Motion to Compel and Motion to Quash its subpoena to non-party Gallagher Bassett Services Inc. After considering the Motion, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the hearing and oral argument is scheduled for \_\_\_\_\_, 2026, at \_\_\_\_\_ am/pm.

It is so ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
The Honorable Alfred H. Bennett  
United States District Judge