

**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.,

Defendant.

Civil Case No. 4:23-cv-04398

**JOINT STATUS REPORT**

Hon. Alfred H. Bennett

Plaintiffs and Defendant (together, “the parties”) respectfully submit this Joint Status Report in advance of the Status Conference set for February 7, 2025. The parties do not request court intervention on any issue at the present time. Pursuant to this Court’s Scheduling Order (ECF No. 114), the parties anticipate submitting proposal(s) for the remainder of the case schedule on or before April 17, 2025, as ordered.

**I. Written Discovery Requests**

Plaintiffs served their First Set of Requests for Production (“RFPs”) to U.S. Anesthesia Partners, Inc. (“USAP”) on March 27, 2024, responses to which were stayed in light of this Court’s order dated April 5, 2024. USAP responded to Plaintiffs’ First Set of RFPs on December 13, 2024. USAP served its First Set of RFPs to Plaintiffs on December 6, 2024. Plaintiffs responded to those RFPs on January 20, 2025. The parties have not issued any other written discovery. The parties are meeting and conferring productively on their respective RFPs.

**II. Protocols and Stipulations**

The parties continue to negotiate an ESI Protocol and an Expert Stipulation and anticipate

submitting proposed orders to this Court shortly.

### **III. Productions**

On December 19, 2024, USAP produced to Plaintiffs: a) documents and data that nonparties produced to the FTC in its pre-filing investigation, b) documents and data that nonparties produced to the FTC in *Federal Trade Commission v. U.S. Anesthesia Partners, Inc.*, No. 4:23-cv-03560 (S.D. Tex.) (“FTC Action”), and c) documents and data that the FTC produced to USAP during the FTC Action. In accordance with the terms of the protective order in the FTC Action, USAP did not produce discovery from eight nonparties that objected to USAP disclosing their Confidential and Highly Confidential Material to Plaintiffs in this litigation. On January 15, 2025, USAP produced to Plaintiffs its pre- and post-filing document productions to the FTC. As the parties had discussed in advance, USAP did not produce to Plaintiffs the portions of its pre-filing productions to the FTC that were unrelated to Texas.

### **IV. Nonparties**

Plaintiffs are meeting and conferring with the objecting nonparties. Plaintiffs have resolved the objections of four nonparties, Baylor Scott & White Health, Scott and White Health Plan, Sound Inpatient Physicians, Inc., and UnitedHealth Group Incorporated. USAP promptly produced those entities’ discovery following the resolution of their objections. Plaintiffs continue to meet and confer with the other objecting nonparties and do not anticipate requesting judicial assistance at this time.

Dated: January 31, 2025 Respectfully submitted,

By: /s/Brendan P. Glackin

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*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 January 31, 2025.

By: /s/ Brendan P. Glackin