

**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. 149), 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 and plan to initiate a recurring meet-and-confer schedule to promote timely resolution of open discovery issues.

I. Topics on Which Court Intervention Is Needed

A. Materials from Objecting Third Parties

Although Plaintiffs have thus far resolved most of the concerns of third parties who produced documents during the FTC pre-suit investigation, Tenet Healthcare Corporation, United Surgical Partners International, Inc., and Webster Surgical Specialty Hospital, LLC have objected to the production of materials. Counsel for these three parties stopped responding to Plaintiffs’ communications by late April, so Plaintiffs intend to seek court assistance in resolving

their objections. When Plaintiffs do so, they will copy the third parties' counsel on their letter unless the Court prefers a different approach. USAP takes no position on and is not involved in Plaintiffs' dispute with these third parties.

II. Topics on Which Court Intervention Is Not Presently Needed

A. FTC Litigation Materials (Resolved)

The parties have reached agreement as to the scope of materials from the litigation in *Federal Trade Commission v. U.S. Anesthesia Partners, Inc.*, No. 4:23-cv-03560 (S.D. Tex.) (the "FTC Litigation") that will be produced. Following that agreement, USAP produced twenty-three deposition transcripts of current or former USAP employees, officers, or board members. Two deposition transcripts of current or former USAP employees, officers, or board members are still within the 30-day period in which they are automatically deemed "Highly Confidential" by operation of the Protective Order in the FTC Action; USAP intends to produce those documents after the expiration of the 30-day period if no third party enters a permanent confidentiality designation. There remain additional third-party materials, including deposition transcripts, that have been marked "Confidential" or "Highly Confidential" by third parties. As to those materials, the parties are discussing a process for notifying third parties prior to production.

B. Deposition Limits (On Hold)

The parties intend to resume negotiations related to deposition limits following production and review of the deposition transcripts in the FTC Litigation, which will inform the number and length of additional depositions that may be appropriate here.

C. Additional Search Terms and Custodians (In Progress)

The parties are discussing additional search terms that may be applied to some of USAP's

document custodians. Plaintiffs requested additional search terms on March 25, 2025, and refined those proposals in light of new information voluntarily provided by USAP on May 13, 2025. Since then, the parties have discussed the proposed search terms and applicable custodians, and USAP provided a compromise proposal on June 25.

D. Plaintiffs' Productions (In Progress)

The parties are discussing the search terms, custodians, and scope of responsiveness and production with respect to Plaintiffs' productions in response to USAP's Requests for Production. USAP requested clarification of the scope of Plaintiffs' productions and proposed search terms on June 6, 2025. Plaintiffs provided proposed search terms on June 16, 2025. Discussions about the substantive scope of Plaintiffs' intended productions are ongoing.

E. Future Status Reports

The parties propose to file their next joint status report on July 24, 2025.

Dated: June 26, 2025

Respectfully submitted,

By: /s/Bradley E. Oppenheimer
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

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

By: /s/Brendan P. Glackin
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

Counsel for Plaintiffs and the Proposed Class

Fax: (713) 221-7100

karlstern@quinnemanuel.com

chrisporter@quinnemanuel.com

juliannejaquith@quinnemanuel.com

melanieguzman@quinnemanuel.com

*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 June 26, 2025.

By: /s/ Brendan P. Glackin