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VIA ECF

Hon. Alfred H. Bennett
United States District Judge
Bob Casey United States Courthouse
515 Rusk Avenue, 11th Floor, Room 8624
Houston, Texas 77202

RE: *Electrical Medical Trust, et al. v. U.S. Anesthesia Partners, Inc., et al.*,
No. 23-cv-04398 (S.D. Tex.)

Your Honor:

I write on behalf of Plaintiffs in response to the Court's request at the April 5, 2024, hearing to provide updates on the Federal Trade Commission ("FTC") case pending before Judge Hoyt, *FTC v. U.S. Anesthesia Partners, Inc.*, No. 23-cv-03560 (S.D. Tex.). As the parties previously informed the Court, U.S. Anesthesia Partners, Inc. ("USAP") appealed Judge Hoyt's Order denying its Motion to Dismiss.¹ On July 19, 2024, the FTC moved to dismiss that appeal for lack of jurisdiction.² USAP opposed.³ The Fifth Circuit entered the attached Order granting the FTC's Motion to Dismiss USAP's appeal on August 15, 2024.⁴

Respectfully submitted,



Brendan P. Glackin

BPG:wp

¹ ECF No. 85 at 2.

² Mot. to Dismiss Appeal, *FTC v. U.S. Anesthesia Partners, Inc.*, No. 24-20270 (5th Cir. July 19, 2024), ECF No. 23.

³ Opp'n to Mot. to Dismiss Appeal, *FTC v. U.S. Anesthesia Partners, Inc.*, No. 24-20270 (5th Cir. July 29, 2024), ECF No. 24.

⁴ *FTC v. U.S. Anesthesia Partners, Inc.*, No. 24-20270 (5th Cir. Aug. 15, 2024), ECF No. 33-2.