

**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

Plaintiffs Electrical Medical Trust and Plumbers Local Union No. 68 Welfare Fund (“Plaintiffs”) and Defendant U.S. Anesthesia Partners, Inc. (“USAP”) submit this status report to update the Court on certain aspects of discovery previously identified in a prior status report.

The parties’ April 17, 2025 Joint Status Report (ECF No. 130) stated that the parties would inform the Court if they were unable to reach agreement by May 16, 2025 on three issues: (1) production of deposition transcripts from *Federal Trade Commission v. U.S. Anesthesia Partners, Inc.*, No. 4:23-cv-03560 (S.D. Tex.) (the “FTC Litigation”); (2) deposition limits; and (3) additional search terms potentially to be applied to Defendant’s document custodians. The parties provide the following update. As to the first topic, the parties have reached an agreement in principle. With respect to the second topic, the parties have agreed to discuss deposition limits after the production of deposition transcripts in the FTC Litigation. Third, the parties continue to negotiate search terms. The parties also continue to discuss other discovery issues, including the

finalization of discovery protocols, the scope of each party's requests for production, and the resolution of discovery issues raised by third parties.

The parties have considered this Court's suggestion at the April 30, 2025 discovery hearing that it might schedule regular status conferences with joint status reports submitted a week prior to facilitate the timely resolution of discovery disputes.

- Plaintiffs endorse the suggestion. The parties have been negotiating, among other items, an ESI protocol since March of 2024, an expert protocol since October of 2024, and the scope of the parties' requests for production since January of 2025. Although the parties have been cordial and cooperative, the presence of regular deadlines and judicial direction may encourage compromise and may ultimately drive faster resolution of the litigation.
- USAP respectfully does not believe that it is necessary to burden the Court with a pre-scheduled series of status reports. Plaintiffs have received extensive discovery, and USAP is continuing to work in good faith to press discovery forward efficiently. As Plaintiffs agree, the parties' discussions over other discovery issues have been productive. USAP is open to revisiting regular reports if circumstances change.

The parties have therefore agreed to submit one further joint status report regarding remaining discovery disputes. The parties propose that the Court order a deadline of June 26, 2025, for the parties to submit that joint status report regarding any discovery disputes.

Dated: June 10, 2025

Respectfully submitted,

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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 10, 2025.

By: /s/ *Brendan P. Glackin*