

**IN THE UNITED STATES DISTRICT COURT  
FOR THE 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

BASEL MUSHARBASH,

Plaintiff,

v.

U.S. ANESTHESIA PARTNERS, INC.,

Defendant.

Case No.: 4:25-cv-00116

**STIPULATION AND ORDER REGARDING COORDINATION OF FACT DISCOVERY**

The parties (“Parties”) to *Electrical Medical Trust et al. v. U.S. Anesthesia Partners, Inc. et al.*, No. 4:23-cv-04398 (S.D. Tex.) (the “EMT Action”) and *Basel Musharbash v. U.S. Anesthesia Partners, Inc.*, No. 4:25-cv-00116 (S.D. Tex.) (the “Musharbash Action”) (collectively the “Actions”), by and through their respective counsel (“Counsel”), submit this Stipulation and Order Regarding Coordination of Fact Discovery (“Stipulation and Order”), and hereby agree as follows:

1. Plaintiffs in the EMT Action and Musharbash Action claim that USAP violated federal antitrust laws based on substantially similar alleged conduct.

2. Given the substantial overlap between Plaintiffs' allegations in both Actions, Plaintiffs will consult in good faith and make all reasonable efforts to coordinate fact discovery efforts in the EMT Action and Musharbash Action to minimize unnecessary expense and burden and facilitate the orderly and efficient progress of the Actions.

3. Plaintiffs will consult in good faith and engage in reasonable efforts to coordinate fact discovery—including, but not limited to, coordinating on written discovery, search term proposals, and deposition witnesses—and will jointly resolve any disputes concerning fact discovery in each Action so as to avoid duplication and unnecessary burden.

4. To the extent Plaintiffs in the EMT Action or Plaintiff in the Musharbash Action serve discovery requests on USAP, Plaintiffs will use reasonable efforts to avoid duplicating any prior discovery requests served in either the EMT Action or Musharbash Action.

5. The Parties will make reasonable efforts to coordinate the fact discovery deadlines in the Actions.

6. All future document productions, discovery correspondence between the Parties, and written discovery between the Parties will be served on all Parties in the Actions.

7. The Parties will negotiate a deposition protocol to be filed before the deposition of any witness commences in the Actions, which shall include (among other things) limits on the number and length of any deposition of a Party. Should they fail to reach an agreement, the Parties will seek the Court's guidance.

8. All witnesses—including witnesses for each Party, nonparties, and 30(b)(6) representatives—shall only be deposed once (not including any depositions taken as part of the litigation in *Federal Trade Commission v. U.S. Anesthesia Partners, Inc.*, No. 4:23-CV-03560 (S.D. Tex.) and any expert depositions such as fact witnesses who are also designated to provide

expert testimony), absent good cause shown to the Court, and subject to the Parties' forthcoming joint deposition protocol. For the avoidance of doubt, nothing in this Paragraph precludes Plaintiffs in the Musharbash Action or Plaintiffs in the EMT Action from negotiating for the ability to take multi-day depositions or the right to depose a witness more than once in a different capacity (e.g., as a corporate designee). USAP reserves all rights to oppose any such request. All Parties in the Actions who wish to question any such witness should participate in a single deposition, which must be noticed or cross-noticed by that Party in advance of the deposition. Fact depositions may be jointly noticed in both the EMT and Musharbash Actions. The Parties also must coordinate regarding deposition noticing and scheduling. USAP will not present any USAP witnesses for deposition in the EMT Action until at least thirty days after it substantially completed its reproduction of materials.

9. Deposition transcripts and exhibits from the FTC Action that were subsequently produced in the EMT Action will be reproduced in the Musharbash Action within fourteen (14) days of either (a) the entry of this Stipulation and Order, (b) the entry of a Rule 502(d) Order in the Musharbash Action, or (c) the service of USAP's Responses and Objections to Plaintiff's First Set of Requests for Production in the Musharbash Action (whichever is later), subject to nonparties deposed in the FTC Action consenting to the disclosure of their deposition transcripts in the Musharbash Action.

10. All transcripts and exhibits from depositions taken in either the EMT Action and/or the Musharbash Action will be shared with all Parties in the Actions.

11. For the avoidance of doubt, nothing in this Stipulation and Order is intended or shall be construed as requiring coordination of expert discovery in the Actions, including, but not limited to, any expert reports, materials reviewed or prepared by experts, or transcripts from depositions of experts. The Parties reserve all rights with respect to the coordination and/or sharing of expert discovery, including any opposition thereto.

12. Nothing in this Protocol is intended, or shall be construed, to modify, amend, or supersede the Order and Stipulated Protocol for Expert Discovery entered in the EMT Action on September 11, 2025 (ECF No. 165).

13. Neither the terms of this Stipulation and Order nor the Parties' agreement shall be considered an admission by any Party that any fact discovery subject to this Stipulation and Order would otherwise be discoverable or admissible.

14. Nothing in this Stipulation and Order shall affect the rights of the Parties to object to the admissibility and/or relevance of any discovery materials produced in the Actions, including the right to object to the use or admission of such materials in a dispositive motion or at hearing or trial.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, through their undersigned counsel of record, the Parties ask that the Court order:

15. The Parties agree to the coordination of fact discovery as set forth in this Stipulation and Order.

16. The agreement is binding on the Parties as of the date of submission.

**IT IS SO STIPULATED.**

Dated: October 17, 2025

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*Counsel for Basel Musharbash and the  
Proposed Class in the Musharbash Action*

It is so ORDERED

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Date

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The Honorable Alfred H. Bennett  
United States District Judge