

**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. 215), Plaintiffs Electrical Medical Trust and Plumbers Local Union No. 68 Welfare Fund (“EMT Plaintiffs”) and Defendants U.S. Anesthesia Partners, Inc., U.S. Anesthesia Partners Holdings, Inc., and U.S. Anesthesia Partners of Texas, P.A. (“USAP”) submit this joint status report to update the Court on the progress of discovery.

Listed below are discovery issues that the parties continue to negotiate and may raise at a future date. The parties propose filing their next joint status report on June 11, 2026.

**A. USAP’s Productions (In Progress)**

USAP has produced more than 400,000 documents to date. USAP completed production of documents responsive to EMT Plaintiffs’ Second Set of Requests for Production on USAP on April 24, 2026.

**B. Plaintiffs’ Productions (In Progress)**

The EMT Plaintiffs have produced more than 14,000 documents to date. The EMT

Plaintiffs substantially completed production of documents responsive to all presently agreed-upon search parameters in December 2025, and completed rolling productions in February 2026. The EMT Plaintiffs continue to meet with UnitedHealthcare Group, which has commenced a pull of Plaintiff Plumbers' claims data, to fulfill USAP's request for claims data from Plaintiff Plumbers.

The parties are meeting and conferring on additional discovery disputes. Each parties' brief summary of the disputes follow.

**USAP.** USAP has identified multiple deficiencies in EMT Plaintiffs' document production following testimony from EMT's corporate representative at his April 28, 2026 deposition, and has made a demand for Plaintiffs to supplement their productions to address these deficiencies, including making custodial productions that EMT Plaintiffs previously represented would be duplicative but that EMT's corporate representative confirmed would not be duplicative. USAP is concerned, given the current status of its discussions with EMT Plaintiffs, that the current fact discovery deadline of June 30, 2026, will need to be extended.

**EMT.** Plaintiffs do not agree that USAP has "identified multiple deficiencies" in their production. With six weeks left in discovery, USAP has requested that EMT add four custodians (some of which would require new forensic ESI collections). EMT maintains its position that searching these custodians' documents would not provide unique, non-duplicative information relevant to a claim or defense, and are not proportional to the needs of the case. USAP has also raised privilege challenges, and belatedly requested new searches to produce "all communications" with a consultant for Plaintiff. While EMT is evaluating the requests, thus far USAP has not identified any specific need for this burdensome discovery. Particularly as the privilege and consultant communication disputes do not appear to be based on newly discovered information, EMT does not agree a schedule extension would be appropriate.

**C. Benefit Resources, Inc. Document Subpoena (Raised with Court)**

On March 2, 2026, USAP served a document subpoena on third-party Benefit Resources, Inc. (“BRI”)—EMT’s third-party administrator. After receiving a one-week extension from USAP, BRI served its responses and objections to the subpoena on March 23, 2026. The parties met and conferred on BRI’s responses and objections. USAP then sent a discovery dispute letter to the Court on April 6, 2026, in accordance with Court Procedure and Practice B.4. BRI sent its responsive letter on April 9, 2026.

Since then, the parties have continued to discuss the subpoena to see whether they can reach an out-of-court resolution. While the parties had originally been close to agreement, the parties remain in dispute on issues including (1) the scope of BRI’s health plan clients and (2) the number of relevant custodians.

USAP is concerned, given the current status of discussions with BRI, that the current fact discovery deadline of June 30, 2026, will need to be extended. EMT does not agree and remains concerned about the scope and burden of USAP’s requests on this small third-party.

**D. Depositions (In Progress)**

The EMT Plaintiffs served deposition notices for twenty current employees on USAP and asked if it would accept service of deposition subpoenas on behalf of seven former employees. The parties have completed fifteen depositions of USAP’s current or former employees and scheduled five more. On March 10, the EMT Plaintiffs served two deposition subpoenas on Welsh, Carson, Anderson & Stowe (“WCAS”). EMT Plaintiffs and WCAS are negotiating those deposition subpoenas. On March 30, 2026, EMT Plaintiffs served a Rule 30(b)(6) deposition on USAP. On April 20, 2026, USAP served its Responses and Objections to EMT Plaintiffs’ Rule 30(b)(6) deposition notices. The parties are meeting and conferring on USAP’s responses. The

EMT Plaintiffs have also served a Rule 30(b)(6) deposition subpoena on The Chartis Group, LLC.

On February 26, 2026, USAP served Rule 30(b)(6) deposition notices on the EMT Plaintiffs. USAP has since completed its 30(b)(6) deposition of EMT and its 30(b)(1) deposition of EMT custodian Cory Crandell. USAP's 30(b)(6) deposition of Plumbers is scheduled for May 19, 2026. Additionally, the parties have scheduled 30(b)(1) depositions for all three of Plumbers' custodians and are working to schedule a 30(b)(1) deposition for the remaining EMT custodian. USAP has also served Rule 30(b)(6) deposition subpoenas on ten third-parties, including BRI. The deposition of BRI is scheduled for June 10, 2026 pending additional document production from BRI.

Dated: May 14, 2026

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 May 14, 2026.

By: /s/ Brendan P. Glackin