

**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. 240), 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.

A. USAP’s Productions (Completed)

USAP has produced more than 300,000 USAP documents and almost 200,000 nonparty documents, of which approximately 3,700 USAP documents are unique to this case (i.e., documents not produced or generated in the FTC Litigation). On April 24, 2026, USAP completed production of documents responsive to EMT Plaintiffs’ Second Set of Requests for Production.

B. Plaintiffs' Productions (In Progress)

The EMT Plaintiffs have produced more than 19,000 documents to date, including approximately 7,000 EMT documents and approximately 12,300 Plumbers documents.

With respect to documents from custodians Melisa Neitz, Sandy Heck, Yolanda Villalvazo and Magdalen Vargas—the subject of this Court's June 12, 2026 hearing—Plaintiffs are retrieving, reviewing, and producing documents on a rolling basis. The parties disputed one search term, but ultimately reached agreement on a modified term to run on the four custodial files.

Plaintiffs have made good faith estimates and are on track to complete two of the four custodial productions this week (Ms. Neitz and Ms. Heck), and already offered to schedule depositions of Ms. Neitz and Ms. Heck in the last week of July. Plaintiffs also staggered the review to totally complete the third custodian's documents the following week (Ms. Vargas). A final production to complete the fourth custodial production will be made by July 31 (Ms. Villalvazo).

USAP has requested certain information on invoices. Plaintiff Plumbers stated to USAP, it is conducting a search of legacy data systems and is willing to produce BCBS invoices it finds, to the extent they still exist. Plaintiff Plumbers will be producing digital copies of United invoices from 2023 through 2026 this week. Plaintiff Plumbers had informed USAP that certain hard copy United invoices were inadvertently not maintained: those hard copy invoices, however, were duplicative print outs of the digital copies Plaintiff Plumbers is producing. Plaintiff Plumbers also anticipates producing hard copy versions of 2026 United invoices next week. As to Plaintiff EMT, Plaintiff expects additional invoices will be in the custodial files of Ms. Heck and Ms. Neitz. Plaintiff EMT has otherwise produced all non-custodial invoices from a reasonable search.

The deadline for fact discovery in this action is currently August 14, 2026. The parties are on track to complete document productions and depositions by that date.

C. Depositions (In Progress)

Depositions of USAP Witnesses. Plaintiffs have deposed twenty-five of USAP's current or former employees pursuant to Rule 30(b)(1) and/or Rule 45, with one Rule 45 deposition remaining on the schedule. Additionally, Plaintiffs completed one Rule 30(b)(6) deposition of USAP on two noticed topics, and USAP is scheduled to sit for a further Rule 30(b)(6) deposition on July 29, 2026, covering two additional noticed topics. The parties continue to meet and confer on the remaining two EMT noticed topics.

Depositions of EMT and Plumbers Witnesses. USAP completed its one Rule 30(b)(6) deposition of a representative witness for each of Plumbers and EMT, for whom USAP issued Rule 30(b)(1) deposition notices as well. EMT accepted service of those notices, including for its corporate representative Cory Crandell, who is an employee of EMT's third-party administrator BRI (EMT has no employees). Additionally, USAP deposed two additional Plumbers witnesses and one additional EMT witness.

USAP recently served four Rule 45 deposition subpoenas to BRI employees and EMT custodians Neitz, Heck, Villalvazo, and Vargas, whose documents the Court ordered EMT to review and produce at the June 12, 2026 hearing. USAP initially served 30(b)(1) notices for three of these witnesses, based on the parties' prior practice for Cory and Mark Crandell (BRI employees). EMT nonetheless demanded USAP serve Rule 45 subpoenas for these witnesses, indicating that it may object to those depositions outright. In an effort to resolve this dispute expeditiously and schedule the depositions, USAP agreed to also serve Rule 45 subpoenas for these deponents, of which EMT accepted service. The parties are continuing to negotiate the appropriateness of these depositions, including potential time limits.

Other Third Party Depositions. USAP has served Rule 45 deposition subpoenas on sixteen additional third parties. Plaintiffs noticed or cross-noticed these depositions in addition to serving Rule 45 deposition subpoenas on three other third parties.

There is currently a Rule 30(b)(6) deposition scheduled for United, as well as Rule 30(b)(1) depositions of Toby Krause (United's corporate representative) and Swati Gupta (a Cigna employee). Pursuant to the Court's order at the July 7, 2026 hearing, USAP will also be conducting a Rule 30(b)(6) deposition of The Segal Group, which served as a benefits advisor to both EMT and Plumbers, and a Rule 30(b)(1) deposition of its corporate representative Jeff Stark.

Dated: July 16, 2026

By: /s/ Julianne Jaquith

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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 July 16, 2026.

By: /s/ Rebecca P. Chang