

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ELECTRICAL MEDICAL TRUST, et al.,

Plaintiffs,

vs.

U.S. ANESTHESIA PARTNERS, INC., et al.,

Defendants.

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CIVIL ACTION NO.: 4:23-CV-04398

**ORAL ARGUMENT REQUESTED**

**REPLY IN SUPPORT OF DEFENDANT U.S. ANESTHESIA PARTNERS, INC.’S  
MOTION TO DISMISS THE COMPLAINT**

Plaintiffs’ opposition confirms the fatal deficiencies of this lawsuit that USAP’s motion identified. To begin with, Plaintiffs lack standing under *Illinois Brick*: they concede (at 9) that “the insurer pays the claims,” and that ends the standing inquiry. Plaintiffs’ claims also contort antitrust law in several respects and would set precedents for, among other things: a market definition that excludes doctors of the same specialty; monopolization claims based solely on acquisitions without supracompetitive prices to follow; and a price-fixing claim without any agreement on prices. The Court should dismiss Plaintiffs’ complaint.

**ARGUMENT**

**I. PLAINTIFFS LACK STANDING TO SUE AS INDIRECT PURCHASERS**

Plaintiffs fail to overcome USAP’s showing (Mot. at 8-11) that their direct-purchaser