

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

BASEL MUSHARBASH,

Plaintiff,

v.

U.S. ANESTHESIA PARTNERS, INC.,
WELSH, CARSON, ANDERSON &
STOWE XI, L.P., et al.,

Defendants.

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Civil Action No. 4:25-cv-116

JOINT MOTION TO TRANSFER RELATED CASE

The parties respectfully move to transfer this case (“Musharbash Action”) to Hon. Alfred Bennett, who is currently presiding over a related class action.

The transfer of a later-filed case from one judge to another judge overseeing an earlier-filed case in the same district is warranted where the issues raised by the cases “substantially overlap.” *Save Power Ltd. v. Syntek Fin. Corp.*, 121 F.3d 947, 950 (5th Cir. 1997); *Dillard v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 961 F.2d 1148, 1161 n.28 (5th Cir. 1992). Such a transfer is grounded in the values of economy, consistency, and comity. *See Cadle Co. v. Whataburger of Alice, Inc.*, 174 F.3d 599, 604 (5th Cir. 1999). It avoids wasteful duplication and the possibility of inconsistent judgments. *Save Power Ltd.*, 121 F.3d at 950.

Transfer is warranted here. Plaintiff properly designated the Musharbash Action as related to two other cases pending in this District: *Federal Trade Comm’n v. U.S. Anesthesia Partners, Inc.*, No. 4:23-cv-03560, before Hon. Kenneth Hoyt (“FTC Action”), and *Electrical Med. Trust, et al. v. U.S. Anesthesia Partners, Inc.*, No. 4:23-cv-04398, before Judge Bennett (“EMT Action”). *See* Dkt. 1-1. Plaintiff asserts claims that track those in the EMT Action, with “substantially the same misconduct” as alleged in those cases. Dkt. 1 ¶¶ 189-190.

Transferring this case would promote economy, consistency, and comity. The plaintiffs in the EMT Action are private putative class representatives, like the Plaintiff here. The Musharbash Action implicates many of the factual and legal issues already considered by Judge Bennett. A transfer would promote judicial efficiency and the sound administration of justice by avoiding the duplication of efforts and minimizing the risk of inconsistent judgments. *See Save Power Ltd.*, 121 F.3d at 950. Judge Bennett is currently presiding over the litigation of the EMT Action and is best suited to determine how to administer the Musharbash Action. *See Cadle*, 174 F.3d at 606.

Accordingly, the parties respectfully request that this case be transferred to Judge Bennett's docket.

Dated: February 6, 2025

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CERTIFICATE OF SERVICE

I certify that on February 6, 2025, a copy of this document was served on all counsel of record using the Court's e-filing system.

/s/ Brice A. Wilkinson
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