

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

V.

SURGICAL CARE AFFILIATES, LLC, and
SCAI HOLDINGS, LLC

No. 3-21-cr-00011-L

UNITED STATES' MOTION TO DISMISS

The United States files this Motion to Dismiss the indictment returned in this case against Surgical Care Affiliates, LLC and SCAI Holdings, LLC, pursuant to Federal Rules of Criminal Procedure, Rule 48(a).

On January 5, 2021, a grand jury in the Northern District of Texas returned an indictment charging Surgical Care Affiliates, LLC and SCAI Holdings, LLC with two counts of conspiracy to restrain trade in violation of 15 U.S.C. § 1. ECF No. 1. On July 8, 2021, a grand jury in the Northern District of Texas returned a superseding indictment with the same charges. ECF No. 48. Defendants filed a motion to dismiss on March 26, 2021, ECF No. 38, which currently remains pending.

The United States requests that this Court dismiss the pending charges against the Defendants. Dismissal of this case is not contrary to manifest public interest, and it will allow the conservation of this Court's time and resources. *See United States v. Salinas*, 693 F.2d 348, 352 (5th Cir. 1982) (“[T]he motion to dismiss the indictment should be granted unless the trial court has an affirmative reason to believe that the dismissal motion was motivated by considerations contrary to the public interest.”) (internal quotation marks and citation omitted).

Counsel for the United States has conferred with counsel for the Defendants, who do not oppose this motion.

Therefore, the United States respectfully requests that this Court dismiss the indictment, with prejudice, in the above-referenced action.

DATED: November 13, 2023

Respectfully submitted,

/s/ Megan S. Lewis

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CERTIFICATE OF CONFERENCE

I hereby certify that on November 13, 2023, I conferred with counsel for the Defendants prior to the filing of this motion, and Defendants concur in the motion.

/s/ Megan S. Lewis
Megan S. Lewis

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2023, I electronically filed the foregoing document with the clerk of court for the United States District Court. The ECF system will send a “Notice of Electronic Filing” to all parties/counsel of record who have consented in writing to accept the Notice as service of this document by electronic means.

/s/ Megan S. Lewis
Megan S. Lewis

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ORDER

Upon review and consideration of the Government's Unopposed Motion to Dismiss the Indictment (ECF No. ____), the Court finds that the indictment in the above-referenced action should be dismissed with prejudice.

IT IS HEREBY ORDERED that the indictment in the above-referenced action is dismissed with prejudice.

DATED this ____ day of _____, 2023.

THE HONORABLE SAM A. LINDSAY
United States District Judge