

PUBLIC

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

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In the Matter of )  
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 )  
 Asbury Automotive Group, Inc., )  
 a corporation, )  
 )  
 Asbury Ft. Worth Ford, LLC, a limited liability )  
 company, also d/b/a David McDavid Ford )  
 Ft. Worth, )  
 )  
 McDavid Frisco – Hon, LLC, a limited liability )  
 company, also d/b/a David McDavid Honda of )  
 Frisco, )  
 )  
 McDavid Irving – Hon, LLC, a limited liability )  
 company, also d/b/a David McDavid Honda of )  
 Irving, and )  
 )  
 Ali Benli, individually and as an officer of )  
 Asbury Ft. Worth Ford, LLC, )  
 McDavid Frisco – Hon, LLC, and )  
 McDavid Irving – Hon, LLC, )  
 )  
 Respondents. )

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DOCKET NO. 9436

**ORDER SETTING SCHEDULING CONFERENCE**

Pursuant to Federal Trade Commission (“FTC”) Rule 3.21(b), a scheduling conference will be held remotely on September 12, 2024, at 11:00 a.m., Eastern Time. 16 C.F.R. § 3.21(b). The scheduling conference will be conducted by videoconference. The proceedings will be stenographically recorded.

To the extent practicable, members of the press and public are permitted to access the scheduling conference via a public call-in number. Interested parties are directed to check the Office of Public Affairs section of the FTC’s website or contact the FTC’s Office of Public Affairs for call-in information.

The parties are directed to confer in advance of the scheduling conference and to comply

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with FTC Rules 3.21(a) and (b). Specifically, the parties shall be prepared to address:

- (1) Their factual and legal theories;
- (2) The current status of any pending motions and any motions anticipated by the parties;
- (3) A schedule of proceedings that is consistent with the evidentiary hearing date;
- (4) Steps taken to preserve evidence relevant to the issues raised by the claims and defenses, including, among other things, steps relating to any ephemeral messaging functionality;
- (5) The scope of anticipated discovery, any limitations on discovery, and a proposed discovery plan, including the disclosure of electronically stored information;
- (6) Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial, and any request to bifurcate issues, claims or defenses; and
- (7) Other possible agreements or steps that may aid in the just and expeditious disposition of the proceeding and to avoid unnecessary cost.

*Id.*

Each side will be allotted no more than fifteen minutes to present their factual and legal theories.

A proposed scheduling order will be provided to the parties in advance of the scheduling conference.

ORDERED:

*Dania L. Ayoubi*  
Dania L. Ayoubi  
Administrative Law Judge

Date: September 5, 2024