

PUBLIC

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

|   |   |                 |
|---|---|-----------------|
| _____   | ) |                 |
| In the Matter of                                | ) |                 |
|   | ) |                 |
| 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      | ) | DOCKET NO. 9436 |
| 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.                                    | ) |                 |
| _____   | ) |                 |

ORDER SETTING SCHEDULING CONFERENCE  
AFTER FILING OF AMENDED COMPLAINT

On August 16, 2024, the Commission filed an administrative complaint against Respondents, alleging a number of counts in violation of the Federal Trade Commission Act and the Equal Credit Opportunity Act (ECOA) and its implementing Regulation B. After Respondents filed their answer, a prehearing conference was held on September 12, 2024, and a Scheduling Order was issued the next day. On October 4, 2024, Respondents filed a complaint in

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the United States District Court for the Northern District of Texas seeking preliminarily and permanently to enjoin this proceeding on constitutional grounds (the “Federal Action”).

On October 29, 2024, the Commission granted the parties’ joint motion to stay this proceeding for four months to allow for briefing on issues raised in the Federal Action. On March 25, 2025, in the absence of a decision in the Federal Action, the Commission granted the parties’ second joint motion seeking a further stay of this proceeding.<sup>1</sup> On June 3, 2025, the Commission granted the parties’ third joint motion for further stay and continuance of this proceeding, reset the hearing in this matter to begin on December 19, 2025, and ordered all pre-hearing deadlines be extended. Accordingly, a Second Revised Scheduling Order was issued on June 18, 2025.

On May 6, 2025, Complaint Counsel filed a motion to partially lift the stay of the administrative proceedings for the sole purpose of amending the Complaint (“Motion”) to remove the count alleging that Respondents violated ECOA or Regulation B. On July 17, 2025, the Commission (1) granted Complaint Counsel’s Motion; (2) issued the Amended Complaint; (3) ordered that, except for the issuance of the Amended Complaint, the proceeding remain stayed; and (4) ordered Respondents to file their answer within fourteen days of service of the Amended Complaint or fourteen days after proceedings in this matter resume, pursuant to Commission Rule 3.12(a), 16 C.F.R. § 3.12(a). The Amended Complaint directs that a prehearing scheduling conference be held not later than ten days after the answer is filed by the last answering Respondent.

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<sup>1</sup> A Revised Scheduling Order reflecting the extended deadlines was issued on March 28, 2025.

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Accordingly, it is hereby **ORDERED** that:

1. The parties may, by stipulation, filed by 5:00 p.m. on July 28, 2025, agree to waive an additional prehearing scheduling conference. The stipulation:

a. Must include an affirmative statement that the Second Revised Scheduling Order issued on June 18, 2025 shall govern these proceedings pending further Order of the Commission or of a court of competent jurisdiction; and

b. May also include such additional matters as the parties deem appropriate, such as the status of the Federal Action, Case No. 4:24-cv-00950-O (N.D. Tex.).

2. Absent the filing of a stipulation under paragraph 1:

a. A remote prehearing scheduling conference will be held on August 1, 2025, at 11:00 a.m., Eastern Time. The scheduling conference will be conducted by videoconference and stenographically recorded.

b. To the extent practicable, members of the press and public are permitted to telephonically access the scheduling conference. 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.

c. The parties are directed to confer in advance of the scheduling conference and to comply with FTC Rules 3.21(a) and (b). Specifically, the parties shall be prepared to address any updates to the following:

(1) Their factual and legal theories;

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- (2) The current status of any pending motions and any motions anticipated by the parties, as well as the current status of the Federal Action;
- (3) The Second Revised Scheduling Order;
- (4) Steps taken to preserve evidence relevant to the issues raised by the claims and defenses;
- (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 avoid unnecessary cost.

ORDERED:

*Dania L. Ayoubi*

Dania L. Ayoubi  
Acting Chief Administrative Law Judge

Date: July 23, 2025