

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.)	
)	

JOINT STIPULATION AND STATUS REPORT

I. Stipulation

Pursuant to the Court’s July 23, 2025 Order Setting Scheduling Conference after Filing of Amended Complaint, Complaint Counsel and Respondents Asbury Automotive Group, Inc., Asbury Ft. Worth Ford, LLC, McDavid Frisco – Hon, LLC, McDavid Irving – Hon, LLC, and Ali Benli (collectively “Respondents”) hereby stipulate that the Second Revised Scheduling Order issued on June 18, 2025 currently governs these proceedings pending further Order of the Commission or of a court of competent jurisdiction.

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II. Additional Matters

However, the parties advise the Court that they have filed a joint motion asking the Commission for a further stay and continuance of this Part 3 proceeding.

On May 6, 2025, Complaint Counsel filed a motion asking the Commission to temporarily reopen the administrative Proceeding “for the sole purpose of permitting issuance of an Amended Administrative Complaint that removes Count IV and its supporting allegations from the action” (“Motion”).¹ On July 17, 2025, the Commission granted the motion and amended the Administrative Complaint.

The parties previously have advised the Court of *Asbury Automotive Group, Inc., et al. v. Fed. Trade Comm’n, et al.*, No. 4:24-cv-00950-O (N.D. Tex.) (“District Court Action”), an action filed by Respondents in the U.S. District Court for the Northern District of Texas, seeking preliminarily and permanently to enjoin this Part 3 proceeding on constitutional grounds. Respondents filed the District Court Action on October 4, 2024. (Dkt. No. 1) Respondents filed an expedited motion for a preliminary injunction to stay this administrative proceeding pending adjudication of Respondents’ constitutional claims in the District Court Action on October 14, 2024. (Dkt. No. 6) The Commission filed a motion to dismiss the District Court Action on November 12, 2024. (Dkt. No. 24). These motions remain pending. On July 25, 2025, the

¹ Respondents state that on April 23, 2025, President Donald Trump issued Executive Order No. 14281, 90 Fed. Reg. 17537 (“EO”), which required the Federal Trade Commission to, within 45 days of the date of the EO, “evaluate pending proceedings that rely on theories of disparate-impact liability and take appropriate action with respect to such matters consistent with the policy of this order.” EO §§ 4, 6, 90 Fed. Reg. at 17538. Count IV of the FTC’s original Administrative Complaint alleges “Discriminatory Financing Practices” in violation of Section 701(a)(1) of the Equal Credit Opportunity Act, 15 U.S.C. § 1691(a)(1), and Section 202.4(a) of Regulation B, 12 C.F.R. § 202.4(a).

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Defendants in the federal action filed supplemental authorities along with an unopposed motion to file same contingent upon Respondents opportunity to respond.

In light of the District Court Action, the parties requested, and the Commission granted, a stay of this proceeding on October 29, 2024, which the Commission subsequently extended on March 25, 2025, and on June 3, 2025. The most recent extension of the stay lasts through August 4, 2025. Given that the District Court Action remains pending, the parties have filed a joint motion asking the Commission for a further stay and continuance of this Part 3 proceeding.

Dated: July 28, 2025

/s/ Mark L. Glassman

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PUBLIC**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2025, I caused a true and correct copy of the foregoing Joint Stipulation and Status Report to be served by email on the Office of Administrative Law Judges (oalj@ftc.gov), the Office of the Secretary (ElectronicFilings@ftc.gov), and all counsel of record, who are identified below:

Complaint Counsel:

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James Doty
Sarah Abutaleb
Daniel Dwyer

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Ed Burbach
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John Sepeheri
Megan Chester
Brandon Livengood

/s/ Mark L. Glassman
Mark L. Glassman