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**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Andrew N. Ferguson, Chairman**
 Mark Meador

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)
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.)

DOCKET NO. 9436

**COMPLAINT COUNSEL’S UNOPPOSED MOTION TO WITHDRAW
THIS MATTER FROM ADJUDICATION**

On August 16, 2024, the Federal Trade Commission (“Commission”) issued an administrative complaint against Asbury, seeking permanent injunctive relief against Asbury

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Automotive Group, three of its dealerships, and the General Manager of the dealerships (collectively, “Asbury”).¹

Shortly thereafter, Asbury initiated a lawsuit in the United States District Court for the Northern District of Texas seeking a preliminary injunction and raising constitutional claims regarding the Commission’s structure and administrative procedures. On August 11, 2025, the federal district denied a preliminary injunction and dismissed several of Asbury’s constitutional claims. Asbury appealed to the Fifth Circuit, where the case remains pending, with briefing having concluded on July 16, 2026.

The Commission initially stayed this administrative action on October 29, 2024, to permit resolution of the collateral issues in the federal court action, and the Commission has extended the stay several times, including most recently on August 26, 2026.

To permit discussion regarding the proper resolution of this matter, Complaint Counsel moves that the Commission issue an order withdrawing this matter from adjudication in Part 3 of the Commission’s Rules of Practice and suspending application of Rule 4.7 of the Commission’s Rules of Practice, 16 C.F.R. § 4.7 for 60 days from the date of this filing.² A draft of a proposed order granting the requested motion is attached.

¹ The Commission amended the complaint on July 17, 2025 to drop a count alleging discriminatory financing practices under the Equal Credit Opportunity Act and Regulation B, consistent with Executive Order No. 14281, 90 Fed. Reg. 17537 (Apr. 23, 2025) (“EO”), which required the Commission to “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.

² The Commission in the past, in light of events relevant to issues in a pending adjudicatory matter, has authorized filing of a “motion to withdraw this matter from adjudication for purposes of discussing resolution of this matter, in which event the Secretary shall issue an order withdrawing this matter from adjudication and the application of Commission Rule of Practice 4.7, 16 C.F.R. § 4.7, shall thereby be suspended.” *In the Matter of New Balance Athletic Shoe, Inc.*, 120 F.T.C. 4, 1995 WL 17012636, **1 (July 10, 1995); *see also In the Matter of Axon Enter., Inc.*, F.T.C. Dkt. 9389 (June 20, 2023) (withdrawing matter from adjudication), *available at*

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Respondent Asbury does not oppose this motion.

Dated: August 27, 2026

/s/ Mark L. Glassman

Mark L. Glassman
Daniel Dwyer
Federal Trade Commission
600 Pennsylvania Ave., NW
Mail Stop CC-10232
Washington, DC 20580

Complaint Counsel

/s/ Edward D. Burbach

Edward D. Burbach
eburbach@foley.com
John Sepehri
jsepehri@foley.com
Robert F. Johnson III
rjohnson@foley.com
Brandon Livengood
brandon.livengood@foley.com
Foley & Lardner LLP
600 Congress Avenue, Suite 3000
Austin, Texas 78701

Michael J. Lockerby
Megan Chester
Foley & Lardner LLP
3000 K Street N.W., Suite 600
Washington, DC 20007

Counsel for Respondents

https://www.ftc.gov/system/files/ftc_gov/pdf/d09389_order_withdrawing_matter_from_adjudication_unsigned.pdf; *In the Matter of Rambus Inc.*, F.T.C. Dkt. 9302, 2009 WL 725994 (March 6, 2009) (withdrawing a matter from adjudication).

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[Proposed] ORDER

Having considered Complaint Counsel’s Unopposed Motion to Withdraw This Matter from Adjudication, Complaint Counsel’s Motion is hereby granted. Accordingly,

IT IS ORDERED THAT this matter is hereby withdrawn from adjudication under Part 3 of the FTC Rules of Practice, 16 C.F.R. Part III for 60 days from August ___, 2026 for the purpose of considering the proper resolution of this matter, and that the application of FTC Rule of Practice 4.7, 16 C.F.R. § 4.7, is hereby suspended.

By the Commission.

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April J. Tabor
Secretary

Seal:
ISSUED:

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/s/ Mark L. Glassman

Mark L. Glassman
Federal Trade Commission
600 Pennsylvania Ave., NW
Mail Stop CC-10232
Washington, DC 20580

Complaint Counsel

PUBLIC**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of August, 2026, I filed the foregoing document and its attachments electronically using the FTC's E-filing system, which will send notification of such filing to:

April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Ave NW, Rm. H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable Dania L. Ayoubi
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave NW, Rm. H-110
Washington, DC 20580
oalj@ftc.gov

I further certify that on this 27th day of August, 2026, a true and correct copy of the foregoing and its attachments were served on all counsel of record—Michael Lockerby, John Sepehri, Robert Johnson, Megan Chester, Brandon Livengood, Mark L. Glassman, Jamie D. Brooks, James Doty, Dan Dwyer, and Sarah Abutaleb—by email.

/s/ Mark L. Glassman

Mark L. Glassman
Federal Trade Commission
600 Pennsylvania Ave., NW
Mail Stop CC-10232
Washington, DC 20580

Complaint Counsel