

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Andrew N. Ferguson, Chairman
Melissa Holyoak

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.

Docket No. 9436

ORDER GRANTING JOINT MOTION FOR FURTHER STAY AND CONTINUANCE
OF ADMINISTRATIVE PROCEEDINGS

On August 16, 2024, the Commission issued an administrative complaint alleging that Asbury Automotive Group, Inc.; Asbury Ft. Worth Ford, LLC; McDavid Frisco – Hon, LLC; McDavid Irving – Hon, LLC; and Ali Benli (collectively, “Respondents”) violated provisions of the Federal Trade Commission Act and the Equal Credit Opportunity Act and its implementing Regulation B. The Complaint alleges that Respondents, who sell cars and trucks at multiple dealerships, often charge consumers for additional items, such as service contracts, maintenance contracts, or chemical coatings, without the consumers’ consent or after misrepresenting that the

add-ons are required. The Complaint further alleges that Respondents engage in discriminatory financing practices.

On October 4, 2024, Respondents filed a complaint for injunctive and declaratory relief from this administrative proceeding on constitutional grounds in the United States District Court for the Northern District of Texas. On October 14, 2024, Respondents filed an expedited motion for a preliminary injunction to stay this administrative proceeding pending adjudication of Respondents' claims in the federal action. The defendants in the court action subsequently filed a motion to dismiss the federal court complaint. Those motions have been fully briefed. Pursuant to a four-month continuance granted by the Commission, the administrative hearing is currently scheduled to begin on August 18, 2025. Order Granting Joint Expedited Motion for a Four-Month Stay of Administrative Proceedings (Oct. 29, 2024).

The parties have now filed a Joint Motion for Further Stay and Continuance of Administrative Proceedings ("Joint Motion"), which asks the Commission to continue the evidentiary hearing in this proceeding until October 20, 2025, and to extend all discovery and filing deadlines by 60 days. The parties explain that the proposed continuance would provide time for the district court to rule on the parties' preliminary motions in the federal action, potentially saving resources and avoiding inefficiencies. Joint Motion at 2, 4.

Commission Rules 3.41 and 4.3 provide that the Commission "may order a later date for the evidentiary hearing to commence" and may extend any time limit for good cause shown. 16 C.F.R. §§ 3.41, 4.3. Under the circumstances presented in the Joint Motion, we find good cause to reschedule the evidentiary hearing to commence on October 20, 2025, and to grant a 60-day extension of the pre-hearing deadlines. Accordingly,

IT IS HEREBY ORDERED that the continuance requested in the February 21, 2025, Joint Motion for Further Stay and Continuance of Administrative Proceedings is **GRANTED** and that the evidentiary hearing in this proceeding shall commence at 10:00 a.m. on October 20, 2025.

IT IS FURTHER ORDERED that all pre-hearing deadlines in this proceeding are hereby extended by 60 days.

By the Commission.



April J. Tabor
Secretary

SEAL:
ISSUED: March 25, 2025