

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

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

**ORDER RETURNING MATTER TO ADJUDICATION AND
DISMISSING COMPLAINT**

On August 16, 2024, the Federal Trade Commission (“Commission” or “FTC”) issued an administrative complaint against Respondents (collectively, “Asbury”), seeking permanent injunctive relief. Shortly thereafter, Asbury initiated a lawsuit in the United States District Court for the Northern District of Texas, seeking a preliminary injunction and asserting constitutional claims regarding the Commission’s structure and administrative procedures. The administrative proceeding was subsequently stayed to permit resolution of the collateral issues in the federal court action, and has remained stayed, without the opportunity for substantial prosecution, ever since.

More than two years after the administrative complaint was first issued,¹ and though the federal district has denied a preliminary injunction and dismissed several of Asbury's constitutional claims,² the federal district court lawsuit remains pending—currently awaiting resolution of an interlocutory appeal of the denial of preliminary relief. Upon resolution of the appeal, the matter would then be remanded to federal district court for any remaining issues to be decided on the merits. The Commission anticipates this could result in years of additional federal court litigation before any administrative adjudication could then commence in earnest and ultimately reach the merits of the administrative complaint.

As the Commission has made clear in recent remarks,³ warning letters,⁴ and federal district court actions,⁵ the FTC remains committed to pursuing price transparency in the appropriate forum, including for automobile dealers. As it does with any enforcement action, however, the Commission must constantly evaluate the deployment of its limited agency resources to ensure maximal efficacy and utility. Here, there are a variety of factors we must consider in pursuit of those priorities, including the increasingly unlikely possibility of reaching a timely resolution of the merits that led to the filing of the administrative complaint in the first place.

Based on the totality of the circumstances, we have come to the difficult conclusion that the public interest requires that this litigation no longer be continued.

Accordingly,

IT IS ORDERED THAT this matter be, and it hereby is, returned to adjudication; and

IT IS FURTHER ORDERED THAT the Complaint in this matter be, and it hereby is, **DISMISSED**.

By the Commission.

SEAL
ISSUED: October 5, 2026

April J. Tabor
Secretary

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 Order at 21-22, *Asbury Auto. Grp., Inc. v. Fed. Trade Comm'n*, No. 4:24-cv-00950-O (N.D. Tex. Aug. 11, 2025) (ECF No. 51).

³ See, e.g., Fed. Trade Comm'n, Testimony Before the Committee on Commerce, Science, and Transportation, United States Senate 8-10 (Apr. 15, 2026), https://www.ftc.gov/system/files/ftc_gov/pdf/p994811-ftc-oversight-testimony-senate-commerce-committee-2026.pdf; see also Christopher Mufarrige, Director, Bureau of Consumer Protection, Fed. Trade Comm'n, Prepared Remarks for Venable Advertising Law Symposium 3-7 (Mar. 12, 2026), https://www.ftc.gov/system/files/ftc_gov/pdf/2026-3-12-Mufarrige-Remarks-for-Venable-Ad-Law-Symposium.pdf.

⁴ Press Release, Fed. Trade Comm'n, "FTC Warns 97 Auto Dealership Groups About Deceptive Pricing" (Mar. 13, 2026), <https://www.ftc.gov/news-events/news/press-releases/2026/03/ftc-warns-97-auto-dealership-groups-about-deceptive-pricing>.

⁵ See, e.g., Stipulated Order for Permanent Injunction, Monetary Judgment, and Other Relief at II, *Fed. Trade Comm'n & Connecticut v. Chase Nissan LLC*, No. 3:24-cv-00012-VDO (Aug. 20, 2026), https://www.ftc.gov/system/files/ftc_gov/pdf/ManchesterCityNissan-StipulatedOrder.pdf.