

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

COMMISSIONERS: **Lina Khan, Chair**
 Noah Joshua Phillips
 Rohit Chopra
 Rebecca Kelly Slaughter
 Christine S. Wilson

In the Matter of

**FLEETCOR TECHNOLOGIES, INC.,
a corporation,**

and

**RONALD CLARKE, individually and
as an officer of FLEETCOR
TECHNOLOGIES, INC.**

DOCKET NO. D-9403

ORDER STAYING ADMINISTRATIVE PROCEEDING

On August 13, 2021, Complaint Counsel moved to stay this administrative proceeding pending resolution of the Federal Trade Commission’s motion to stay or dismiss without prejudice an action the Commission is litigating against FleetCor Technologies, Inc. and its CEO Ronald Clarke (collectively, “Respondents”) in federal court, *FTC v. FleetCor Technologies, Inc.*, No. 1:19-cv-5727-AT (N.D. Ga.). Complaint Counsel’s Unopposed Motion to Stay Administrative Proceedings (“Motion to Stay”). Complaint Counsel state that Respondents do not oppose the Motion to Stay. *Id.* at 1. On August 17, 2021, the Chief Administrative Law certified the Motion to Stay for disposition by the Commission. We have determined to grant the requested stay.

Complaint Counsel explain that, seeking to avoid duplicative actions against Respondents in federal court and in the FTC’s administrative adjudication, they have filed in the pending federal court action a motion to stay that proceeding or to dismiss it without prejudice. Motion to Stay at 2 The federal court motion will not be fully briefed until September. *Id.* Absent a stay of the administrative proceeding, the parties will have to spend resources litigating the same case in two forums. Complaint Counsel state that once the status of the federal court action has been resolved, there will be no need for duplicative litigation. *Id.* at 3.

Commission Rule 3.41(f) provides that a pending “collateral federal court action that relates to the administrative adjudication shall not stay the proceeding [u]nless a court of competent jurisdiction, or the Commission for good cause, so directs.” 16 C.F.R. § 3.41(f). In

this instance, where a stay at the start of the administrative proceeding will avoid unnecessary burden and expense while a pending motion to stay or dismiss without prejudice a duplicative action in federal court is resolved, we find that there is good cause to stay the Commission's administrative proceeding. Accordingly,

IT IS HEREBY ORDERED that Complaint Counsel's Unopposed Motion to Stay Administrative Proceedings is **GRANTED**;

IT IS FURTHER ORDERED that all proceedings before the Commission and the Chief Administrative Law Judge in this matter, including all filing deadlines and the evidentiary hearing currently scheduled to commence on January 25, 2022, are hereby stayed pending further order by the Commission; and

IT IS FURTHER ORDERED that Complaint Counsel shall inform the Commission of the resolution of the motion to stay or dismiss without prejudice filed in the federal court action, FTC v. FleetCor Technologies, Inc., No. 1:19-cv-5727-AT (N.D. Ga.), promptly upon issuance.

By the Commission.



April J. Tabor
Secretary

SEAL:

ISSUED: August 25, 2021