

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.)	
_____)	

ORDER HOLDING RULING IN ABEYANCE

On September 3, 2024, concurrent with their Answer to the Commission’s August 16, 2024 Complaint, Respondents filed a Motion for Confidential or In Camera Treatment (“Respondents’ Motion on the Answer”) seeking confidential or in camera treatment of portions of Respondents’ Answer.

On September 16, 2024, Complaint Counsel submitted, in a single filing: (1) an Opposition to Respondents’ Motion on the Answer (“Complaint Counsel’s Opposition on the Answer”); and (2) a Motion to Unredact the Complaint (“Complaint Counsel’s Motion on the Complaint”), seeking to remove redactions from the public version of the Complaint with the exception of the redactions in Paragraph 33.

PUBLIC

On September 26, 2024, Respondents submitted a filing captioned, “Response to ‘Complaint Counsel’s (1) Motion to Unredact the Complaint and (2) Opposition to Respondents’ Motion for Confidential or In Camera Treatment of Respondents’ Answer.” (“Respondents’ Response”).¹

In pertinent part, the Commission’s Rules of Practice require: “Unless otherwise provided by a relevant rule, the Administrative Law Judge shall rule on motions within 14 days after the filing of all motion papers authorized by this section.” 16 C.F.R. § 3.22(e). Because the issues in Respondents’ Motion on the Answer and Complaint Counsel’s Motion on the Complaint are intertwined, they shall be considered together. Accordingly, one order resolving both will issue within fourteen days of Respondents’ Response.

No further responses, oppositions, or replies will be permitted on these motions. 16 C.F.R. § 3.22(d).

ORDERED:

Dania L. Ayoubi

Dania L. Ayoubi
Administrative Law Judge

Date: September 30, 2024

¹ Although the caption of Respondents’ Response indicated that it included a response to Complaint Counsel’s Opposition on the Answer, Respondents’ Response will not be construed as a reply in support of Respondents’ Motion on the Answer. *Cf.* 16 C.F.R. § 3.22(d) (providing that the moving party shall have no right to reply, except as permitted by the Administrative Law Judge).