

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.)	
_____)	

JOINT STATUS REPORT

Pursuant to the Court’s February 14, 2025 Order, which directed the parties to file a report: (1) advising this Court of any settlement discussions; (2) providing any updates on the federal district court proceedings, and (3) providing a proposal to revise the September 14, 2024 Scheduling Order, Complaint Counsel and Respondents Asbury Automotive Group, Inc., Asbury Ft. Worth Ford, LLC, McDavid Frisco – Hon, LLC, McDavid Irving – Hon, LLC, and Ali Benli (collectively “Respondents”) hereby submit this Joint Status Report.

I. Settlement Discussions

Complaint Counsel and counsel for Respondents have conferred and determined that settlement is unlikely at this time.

II. Status of Federal District Court Proceedings

On October 4, 2024, Respondents filed a complaint for injunctive and declaratory relief in the United States District Court for the Northern District of Texas, seeking preliminarily and permanently to enjoin the Part 3 proceeding on constitutional grounds. (ECF No. 1, Compl., at 31-32, *Asbury Automotive Group, Inc., et al. v. Fed. Trade Comm'n, et al.*, No. 4:24-cv-00950-O (N.D. Tex. Oct. 4, 2024).) On October 14, 2024, Respondents filed an expedited motion for a preliminary injunction to stay this administrative proceeding pending adjudication of Respondents' constitutional claims in the federal action. (ECF No. 6.) On November 12, 2024, Defendants in the federal action filed a motion to dismiss the federal complaint. (ECF No. 24.) Respondents' expedited motion for a preliminary injunction and stay was fully briefed on December 10, 2024 (ECF No. 29), and Defendants' motion to dismiss was fully briefed on December 24, 2024 (ECF No. 30).

III. Scheduling Order

The Court's February 14, 2025 Order directs the parties to provide a proposal to revise the September 13, 2024 Scheduling Order to reflect the August 18, 2025 trial date. The parties respectfully request that the Court postpone entry of a new scheduling order until the Commission rules on the parties' Joint Motion for Further Stay and Continuance of Administrative Proceedings, which moves the Commission to extend the stay and continue the commencement of the administrative hearing currently scheduled to begin on August 18, 2025 to October 20, 2025, and to extend all pre-hearing deadlines for an additional 60 days.

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To the extent the Commission grants the Motion for Further Stay and Continuance, the parties have prepared separate proposals to revise the September 13, 2024 Scheduling to reflect the new October 20, 2025 trial date.

Complaint Counsel's Proposed Schedule Reflecting Requested October 20, 2025 Trial Date:

- June 13, 2025 - Parties file Joint Status Report #2.
- June 30, 2025 - Complaint Counsel serves proposed expert witness list.
- June 30, 2025 - Complaint Counsel serves supplemental proposed fact witness list with a brief summary of the proposed testimony.
- July 8, 2025 - Respondents serve proposed expert witness list.
- July 8, 2025 - Respondents serve supplemental proposed fact witness list with a brief summary of the proposed testimony.
- July 21, 2025 - Deadline for parties to serve document requests, interrogatories, and subpoenas, except for discovery for purposes of authenticity and admissibility of exhibits.
- August 13, 2025 - Deadline for parties to serve requests for admissions, except for requests for admissions for purposes of authenticity and admissibility of documents.
- August 20, 2025 - Close of fact discovery, except for discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.
- August 26, 2025 - Complaint Counsel serves expert witness reports.
- September 5, 2025 - Complaint Counsel serves final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative, or summary exhibits and expert-related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness. Complaint Counsel's final proposed witness list shall include no more than twenty-five fact witnesses testifying live at the hearing. See Additional Provision 17.

Complaint Counsel provides the Administrative Law Judge (ALJ) with courtesy copies of final proposed witness and exhibit lists, the

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basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.

- September 10, 2025 - Respondents serve expert witness reports. Respondents' expert reports shall include (without limitation) rebuttal, if any, to Complaint Counsel's expert witness report(s).
- September 11, 2025 - Parties file Joint Status Report #2.
- September 12, 2025 - Respondents serve final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative, or summary exhibits and expert-related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.
- Respondents' final proposed witness list shall include no more than twenty-five fact witnesses testifying live at the hearing. See Additional Provision 17.
- Respondents provide the ALJ with courtesy copies of final proposed witness and exhibit lists, the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.
- September 15, 2025 - Parties intending to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).
- September 22, 2025 - Complaint Counsel to identify rebuttal expert witness(es) and serve rebuttal expert witness report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondents' expert witness reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert witness report(s) or seeking leave to submit surrebuttal expert witness report(s)).
- September 25, 2025 - Deadline for parties to depose expert witnesses (including rebuttal expert witnesses) and exchange expert-related proposed exhibits.
- September 25, 2025 - Deadline to file motions for in camera treatment of proposed trial exhibits. See Additional Provision 15.
- September 29, 2025 - Deadline for parties to file motions in limine to preclude admission of evidence. See Additional Provision 16.

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- September 30, 2025 - Parties exchange objections to final proposed witness lists and exhibit lists, serving courtesy copies on the ALJ. Parties are to review the Commission's Rules on the admissibility of evidence before filing objections to exhibits and only raise objections that are necessary and valid.
- September 30, 2025 - Complaint Counsel files pretrial brief supported by legal authority.
- October 2, 2025 - Deadline for parties to file responses to motions for in camera treatment of proposed exhibits.
- October 6, 2025 - Deadline for parties to file responses to motions in limine to preclude admission of evidence.
- October 10, 2025 - Parties exchange proposed stipulations as to law, facts, the admissibility of proposed exhibits, and the expertise of any expert witnesses.
- October 15, 2025 - Respondents file pretrial brief supported by legal authority.
- October 17, 2025 - Final prehearing conference begins at 10:00 a.m. Eastern Time.

The parties shall meet and confer prior to the final prehearing conference regarding trial logistics and proposed stipulations as to law, facts, admissibility of exhibits, and expertise of any expert witnesses. To the extent the parties have agreed to stipulate to any issues of law, facts, admissibility of exhibits, and/or expertise of any expert witnesses, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one business day prior to the final prehearing conference. At the final prehearing conference, the parties' list of stipulations shall be marked as "JX1" and signed by each party, and the list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required. Any subsequent stipulations may be offered as agreed to by the parties.

Also at the final prehearing conference, the parties may present any objections to the final proposed witness lists and proposed exhibits. All proposed exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admissibility of proposed exhibits, the parties shall prepare a list identifying each proposed exhibit to which admissibility is stipulated, which shall be offered into evidence as a joint exhibit marked as "JX2" and signed by each party. No signature by the ALJ is required.

- October 20, 2025 - Evidentiary Hearing begins at 10:00 a.m. Eastern Time.

PUBLIC**Respondents' Proposed Schedule Reflecting Requested October 20, 2025 Trial Date:**

- June 13, 2025 - Parties file Joint Status Report #2.
- June 13, 2025 - Complaint Counsel serves proposed expert witness list.
- June 13, 2025 - Complaint Counsel serves supplemental proposed fact witness list with a brief summary of the proposed testimony.
- July 8, 2025 - Respondents serve proposed expert witness list.
- July 8, 2025 - Respondents serve supplemental proposed fact witness list with a brief summary of the proposed testimony.
- July 21, 2025 - Deadline for parties to serve document requests, interrogatories, and subpoenas, except for discovery for purposes of authenticity and admissibility of exhibits.
- August 13, 2025 - Deadline for parties to serve requests for admissions, except for requests for admissions for purposes of authenticity and admissibility of documents.
- August 20, 2025 - Close of fact discovery, except for discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.
- August 26, 2025 - Complaint Counsel serves expert witness reports.
- September 5, 2025 - Complaint Counsel serves final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative, or summary exhibits and expert-related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness. Complaint Counsel's final proposed witness list shall include no more than twenty-five fact witnesses testifying live at the hearing. See Additional Provision 17.

Complaint Counsel provides the Administrative Law Judge (ALJ) with courtesy copies of final proposed witness and exhibit lists, the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.
- September 22, 2025 - Respondents serve expert witness reports. Respondents' expert reports shall include (without limitation) rebuttal, if any, to Complaint Counsel's expert witness report(s).

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- September 23, 2025 - Parties file Joint Status Report #2.
- September 23, 2025 - Respondents serve final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative, or summary exhibits and expert-related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.
- Respondents' final proposed witness list shall include no more than twenty-five fact witnesses testifying live at the hearing. See Additional Provision 17.
- Respondents provide the ALJ with courtesy copies of final proposed witness and exhibit lists, the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.
- September 23, 2025 - Parties intending to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).
- September 25, 2025 - Complaint Counsel to identify rebuttal expert witness(es) and serve rebuttal expert witness report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondents' expert witness reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert witness report(s) or seeking leave to submit surrebuttal expert witness report(s)).
- September 30, 2025 - Deadline for parties to depose expert witnesses (including rebuttal expert witnesses) and exchange expert-related proposed exhibits.
- September 30, 2025 - Deadline to file motions for in camera treatment of proposed trial exhibits. See Additional Provision 15.
- October 2, 2025 - Deadline for parties to file motions in limine to preclude admission of evidence. See Additional Provision 16.
- October 2, 2025 - Parties exchange objections to final proposed witness lists and exhibit lists, serving courtesy copies on the ALJ. Parties are to review the Commission's Rules on the admissibility of evidence before filing objections to exhibits and only raise objections that are necessary and valid.
- October 3, 2025 - Complaint Counsel files pretrial brief supported by legal authority.

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- October 3, 2025 - Deadline for parties to file responses to motions for in camera treatment of proposed exhibits.
- October 6, 2025 - Deadline for parties to file responses to motions in limine to preclude admission of evidence.
- October 10, 2025 - Parties exchange proposed stipulations as to law, facts, the admissibility of proposed exhibits, and the expertise of any expert witnesses.
- October 15, 2025 - Respondents file pretrial brief supported by legal authority.
- October 17, 2025 - Final prehearing conference begins at 10:00 a.m. Eastern Time.

The parties shall meet and confer prior to the final prehearing conference regarding trial logistics and proposed stipulations as to law, facts, admissibility of exhibits, and expertise of any expert witnesses. To the extent the parties have agreed to stipulate to any issues of law, facts, admissibility of exhibits, and/or expertise of any expert witnesses, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one business day prior to the final prehearing conference. At the final prehearing conference, the parties' list of stipulations shall be marked as "JX1" and signed by each party, and the list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required. Any subsequent stipulations may be offered as agreed to by the parties.

Also at the final prehearing conference, the parties may present any objections to the final proposed witness lists and proposed exhibits. All proposed exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admissibility of proposed exhibits, the parties shall prepare a list identifying each proposed exhibit to which admissibility is stipulated, which shall be offered into evidence as a joint exhibit marked as "JX2" and signed by each party. No signature by the ALJ is required.

- October 20, 2025 - Evidentiary Hearing begins at 10:00 a.m. Eastern Time.

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In the alternative, as directed by the Court, the parties also provide proposals to revise the September 13, 2024 Scheduling Order to reflect the current August 18, 2025 trial date, in the event the parties' Joint Motion for Further Stay and Continuance is not granted.

Complaint Counsel's Alternative Proposed Schedule Reflecting August 18, 2025 Trial Date:

- April 14, 2025 - Parties file Joint Status Report #2.
- April 28, 2025 - Complaint Counsel serves proposed expert witness list.
- April 28, 2025 - Complaint Counsel serves supplemental proposed fact witness list with a brief summary of the proposed testimony.
- May 5, 2025 - Respondents serve proposed expert witness list.
- May 5, 2025 - Respondents serve supplemental proposed fact witness list with a brief summary of the proposed testimony.
- May 16, 2025 - Deadline for parties to serve document requests, interrogatories, and subpoenas, except for discovery for purposes of authenticity and admissibility of exhibits.
- June 11, 2025 - Deadline for parties to serve requests for admissions, except for requests for admissions for purposes of authenticity and admissibility of documents.
- June 18, 2025 - Close of fact discovery, except for discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.
- June 25, 2025 - Complaint Counsel serves expert witness reports.
- July 7, 2025 - Complaint Counsel serves final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative, or summary exhibits and expert-related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness. Complaint Counsel's final proposed witness list shall include no more than twenty-five fact witnesses testifying live at the hearing. See Additional Provision 17.

Complaint Counsel provides the Administrative Law Judge (ALJ) with courtesy copies of final proposed witness and exhibit lists, the

basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.

- July 10, 2025 - Respondents serve expert witness reports. Respondents’ expert reports shall include (without limitation) rebuttal, if any, to Complaint Counsel’s expert witness report(s).
- July 11, 2025 - Parties file Joint Status Report #2.
- July 14, 2025 - Respondents serve final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative, or summary exhibits and expert-related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.

Respondents’ final proposed witness list shall include no more than twenty-five fact witnesses testifying live at the hearing. See Additional Provision 17.

Respondents provide the ALJ with courtesy copies of final proposed witness and exhibit lists, the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.
- July 15, 2025 - Parties intending to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).
- July 22, 2025 - Complaint Counsel to identify rebuttal expert witness(es) and serve rebuttal expert witness report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondents’ expert witness reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as striking Complaint Counsel’s rebuttal expert witness report(s) or seeking leave to submit surrebuttal expert witness report(s)).
- July 25, 2025 - Deadline for parties to depose expert witnesses (including rebuttal expert witnesses) and exchange expert-related proposed exhibits.
- July 25, 2025 - Deadline to file motions for in camera treatment of proposed trial exhibits. See Additional Provision 15.
- July 29, 2025 - Deadline for parties to file motions in limine to preclude admission of evidence. See Additional Provision 16.

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- July 30, 2025 - Parties exchange objections to final proposed witness lists and exhibit lists, serving courtesy copies on the ALJ. Parties are to review the Commission’s Rules on the admissibility of evidence before filing objections to exhibits and only raise objections that are necessary and valid.
- July 30, 2025 - Complaint Counsel files pretrial brief supported by legal authority.
- August 1, 2025 - Deadline for parties to file responses to motions for in camera treatment of proposed exhibits.
- August 5, 2025 - Deadline for parties to file responses to motions in limine to preclude admission of evidence.
- August 11, 2025 - Parties exchange proposed stipulations as to law, facts, the admissibility of proposed exhibits, and the expertise of any expert witnesses.
- August 13, 2025 - Respondents file pretrial brief supported by legal authority.
- August 15, 2025 - Final prehearing conference begins at 10:00 a.m. Eastern Time.

The parties shall meet and confer prior to the final prehearing conference regarding trial logistics and proposed stipulations as to law, facts, admissibility of exhibits, and expertise of any expert witnesses. To the extent the parties have agreed to stipulate to any issues of law, facts, admissibility of exhibits, and/or expertise of any expert witnesses, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one business day prior to the final prehearing conference. At the final prehearing conference, the parties’ list of stipulations shall be marked as “JX1” and signed by each party, and the list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required. Any subsequent stipulations may be offered as agreed to by the parties.

Also at the final prehearing conference, the parties may present any objections to the final proposed witness lists and proposed exhibits. All proposed exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admissibility of proposed exhibits, the parties shall prepare a list identifying each proposed exhibit to which admissibility is stipulated, which shall be offered into evidence as a joint exhibit marked as “JX2” and signed by each party. No signature by the ALJ is required.

- August 18, 2025 - Evidentiary Hearing begins at 10:00 a.m. Eastern Time.

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Respondents' Alternative Proposed Schedule Reflecting August 18, 2025 Trial Date:

- April 14, 2025 - Parties file Joint Status Report #2.
- April 14, 2025 - Complaint Counsel serves proposed expert witness list.
- April 14, 2025 - Complaint Counsel serves supplemental proposed fact witness list with a brief summary of the proposed testimony.
- May 5, 2025 - Respondents serve proposed expert witness list.
- May 5, 2025 - Respondents serve supplemental proposed fact witness list with a brief summary of the proposed testimony.
- May 16, 2025 - Deadline for parties to serve document requests, interrogatories, and subpoenas, except for discovery for purposes of authenticity and admissibility of exhibits.
- June 11, 2025 - Deadline for parties to serve requests for admissions, except for requests for admissions for purposes of authenticity and admissibility of documents.
- June 18, 2025 - Close of fact discovery, except for discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.
- June 25, 2025 - Complaint Counsel serves expert witness reports.
- July 7, 2025 - Complaint Counsel serves final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative, or summary exhibits and expert-related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness. Complaint Counsel's final proposed witness list shall include no more than twenty-five fact witnesses testifying live at the hearing. See Additional Provision 17.

Complaint Counsel provides the Administrative Law Judge (ALJ) with courtesy copies of final proposed witness and exhibit lists, the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.
- July 21, 2025 - Respondents serve expert witness reports. Respondents' expert reports shall include (without limitation) rebuttal, if any, to Complaint Counsel's expert witness report(s).

- July 22, 2025 - Parties file Joint Status Report #2.
- July 22, 2025 - Respondents serve final proposed witness and exhibit lists, including depositions, copies of all proposed exhibits (except for demonstrative, illustrative, or summary exhibits and expert-related exhibits), the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness.

Respondents’ final proposed witness list shall include no more than twenty-five fact witnesses testifying live at the hearing. See Additional Provision 17.

Respondents provide the ALJ with courtesy copies of final proposed witness and exhibit lists, the basis of admissibility for each proposed exhibit, and a brief summary of the testimony of each witness, including expert witnesses.
- July 22, 2025 - Parties intending to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).
- July 24, 2025 - Complaint Counsel to identify rebuttal expert witness(es) and serve rebuttal expert witness report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondents’ expert witness reports. If material outside the scope of fair rebuttal is presented, Respondents will have the right to seek appropriate relief (such as striking Complaint Counsel’s rebuttal expert witness report(s) or seeking leave to submit surrebuttal expert witness report(s)).
- July 29, 2025 - Deadline for parties to depose expert witnesses (including rebuttal expert witnesses) and exchange expert-related proposed exhibits.
- July 29, 2025 - Deadline to file motions for in camera treatment of proposed trial exhibits. See Additional Provision 15.
- July 29, 2025 - Deadline for parties to file motions in limine to preclude admission of evidence. See Additional Provision 16.
- July 30, 2025 - Parties exchange objections to final proposed witness lists and exhibit lists, serving courtesy copies on the ALJ. Parties are to review the Commission’s Rules on the admissibility of evidence before filing objections to exhibits and only raise objections that are necessary and valid.
- July 30, 2025 - Complaint Counsel files pretrial brief supported by legal authority.

- August 4, 2025 - Deadline for parties to file responses to motions for in camera treatment of proposed exhibits.
- August 5, 2025 - Deadline for parties to file responses to motions in limine to preclude admission of evidence.
- August 11, 2025 - Parties exchange proposed stipulations as to law, facts, the admissibility of proposed exhibits, and the expertise of any expert witnesses.
- August 13, 2025 - Respondents file pretrial brief supported by legal authority.
- August 15, 2025 - Final prehearing conference begins at 10:00 a.m. Eastern Time.

The parties shall meet and confer prior to the final prehearing conference regarding trial logistics and proposed stipulations as to law, facts, admissibility of exhibits, and expertise of any expert witnesses. To the extent the parties have agreed to stipulate to any issues of law, facts, admissibility of exhibits, and/or expertise of any expert witnesses, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one business day prior to the final prehearing conference. At the final prehearing conference, the parties’ list of stipulations shall be marked as “JX1” and signed by each party, and the list shall be offered into evidence as a joint exhibit. No signature by the ALJ is required. Any subsequent stipulations may be offered as agreed to by the parties.

Also at the final prehearing conference, the parties may present any objections to the final proposed witness lists and proposed exhibits. All proposed exhibits will be admitted or excluded to the extent practicable. To the extent the parties agree to the admissibility of proposed exhibits, the parties shall prepare a list identifying each proposed exhibit to which admissibility is stipulated, which shall be offered into evidence as a joint exhibit marked as “JX2” and signed by each party. No signature by the ALJ is required.

- August 18, 2025 - Evidentiary Hearing begins at 10:00 a.m. Eastern Time.

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Dated: February 24, 2025

/s/ Jamie D. Brooks

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/s/ Edward D. Burbach

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Washington, DC 20007

Counsel for Respondents

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record—Ed Burbach, Michael Lockerby, Robert Johnson, John Sepehri, Megan Chester, James Doty, Sarah Abutaleb, and Daniel Dwyer—by email on this 24th day of February, 2025.

I further certify that a true and correct copy of the foregoing was served on the Office of Administrative Law Judges and the Office of the Secretary by email on this 24th day of February, 2025.

/s/ Jamie D. Brooks

Jamie D. Brooks
Federal Trade Commission
600 Pennsylvania Ave., NW
Mail Stop CC-10232
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Complaint Counsel