

**PUBLIC**

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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|---|---|-----------------|
| _____   | ) |                 |
| 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.                                    | ) |                 |
| _____   | ) |                 |

**REVISED SCHEDULING ORDER**

Pursuant to the Federal Trade Commission’s March 25, 2025 Order resetting the evidentiary hearing in this matter to commence on October 20, 2025, the Scheduling Order deadlines are hereby revised as follows<sup>1</sup>:

- June 13, 2025 - Parties file Joint Status Report #2.
- June 30, 2025 - Complaint Counsel serves proposed expert witness list.

<sup>1</sup> The Additional Provisions contained in the Scheduling Order issued on September 13, 2024 remain in effect and are incorporated into this Revised Scheduling Order.

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- 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.
- 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 9, 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 10, 2025 - Parties file Joint Status Report #3.

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- September 11, 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 12, 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).<sup>2</sup>
- September 19, 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 24, 2025 - Deadline for parties to depose expert witnesses (including rebuttal expert witnesses) and exchange expert-related proposed exhibits.
- September 24, 2025 - Deadline to file motions for in camera treatment of proposed trial exhibits. *See* Additional Provision 15.
- September 26, 2025 - Deadline for parties to file motions in limine to preclude admission of evidence. *See* Additional Provision 16.

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<sup>2</sup> The Standard Protective Order states that if a party or third party wishes in camera treatment for a document or transcript that a party intends to introduce into evidence, that party or third party shall file an appropriate motion with the ALJ within five days after it receives notice of a party's intent to introduce such material. Appendix A to Commission Rule 3.31. Commission Rule 3.45(b) states that parties who seek to use material obtained from a third party subject to confidentiality restrictions must demonstrate that the third party has been given at least ten days' notice of the proposed use of such material. To resolve this apparent conflict, this Scheduling Order requires that the parties provide at least ten days' notice to the opposing party or third parties to allow for the filing of motions for in camera treatment.

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- September 29, 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 29, 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

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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.

ORDERED:

*Dania L. Ayoubi*

Dania L. Ayoubi  
Administrative Law Judge

Date: March 28, 2025