

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Lina M. Khan, Chair**
Rebecca Kelly Slaughter
Alvaro M. Bedoya
Melissa Holyoak
Andrew Ferguson

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.**

Docket No. 9436

**ORDER GRANTING JOINT EXPEDITED MOTION FOR A FOUR-MONTH STAY OF
ADMINISTRATIVE PROCEEDINGS**

On August 16, 2024, the Commission issued an administrative complaint alleging that Asbury Automotive Group, Inc.; Asbury Ft. Worth Ford, LLC; McDavid Frisco – Hon, LLC; McDavid Irving – Hon, LLC; and Ali Benli (collectively, “Respondents”) have violated provisions of the Federal Trade Commission Act and the Equal Credit Opportunity Act and its implementing

Regulation B. The Complaint alleges that Respondents, who sell cars and trucks at multiple dealerships, often charge consumers for additional items, such as service contracts, maintenance contracts or chemical coatings, without the consumers' consent or after misrepresenting that the charges are required. The Complaint further alleges that Respondents charge Black and Latino consumers more than non-Latino White consumers for add-ons. The administrative hearing on these allegations is scheduled to begin on April 16, 2025.

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. 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. Defendants in the federal action contemplate filing a motion to dismiss that case.

On October 21, 2024, Respondents and Complaint Counsel filed a Joint Expedited Motion for a Four-Month Stay of Administrative Proceeding ("Motion"), which asks the Commission to stay or, alternatively, to continue the administrative proceeding, including the evidentiary hearing and all discovery and filing deadlines, for four months, postponing the start of the administrative hearing to August 18, 2025. The parties explain that such action would provide time for the parties to brief, and the district court to decide, the issues raised by the parties' preliminary motions in the federal court action.

Commission Rule 3.41(b), 16 C.F.R. § 3.41(b), provides that "upon a showing of good cause" the Commission "may order a later date for the evidentiary hearing to commence." Commission Rule 4.3, 16 C.F.R. § 4.3, provides that the Commission, for good cause shown, may extend any time limit prescribed by Commission rules or by order of the Commission or an Administrative Law Judge. Under the circumstances presented in the Motion, we find good cause to order the requested continuance of this proceeding, including the evidentiary hearing and all discovery and filing deadlines. Accordingly,

IT IS HEREBY ORDERED THAT the continuance requested in the October 21, 2024 Joint Expedited Motion for a Four-Month Stay of Administrative Proceedings is **GRANTED** and that the evidentiary hearing in this proceeding shall commence at 10:00 a.m. on August 18, 2025.

IT IS FURTHER ORDERED THAT all pre-hearing deadlines in this proceeding are hereby extended by four months.

By the Commission.



SEAL:
ISSUED: October 29, 2024

April J. Tabor
Secretary