

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

TEMPUR SEALY  
INTERNATIONAL, INC. and  
MATTRESS FIRM GROUP, INC.,

Plaintiffs,

vs.

THE FEDERAL TRADE  
COMMISSION

and

LINA M. KHAN, REBECCA KELLY  
SLAUGHTER, ALVARO BEDOYA,  
MELISSA HOLYOAK, and  
ANDREW N. FERGUSON, in their  
official capacities as Commissioners  
of the Federal Trade Commission,

Defendants.

Civil Action No. 4:24-cv-03764

**Motion for Reassignment of  
Judge**

Pursuant to Local Rule 5.2, Plaintiffs advise the Court of a related matter. Plaintiffs filed this lawsuit to enjoin the FTC’s unconstitutional administrative proceedings against Tempur Sealy International, Inc. (“Tempur Sealy”) and Mattress Firm Group, Inc. (“Mattress Firm”) seeking to permanently block the planned merger between Tempur Sealy and Mattress Firm. This matter relates to 4:24-cv-02508 pending before the Honorable Charles Eskridge, a case brought by the FTC against Tempur Sealy and

Mattress Firm to preliminarily enjoin the merger pending resolution of the disputed administrative proceeding.

Upon filing of the current matter, Judge Eskridge held an initial hearing related to the Complaint filed in this matter. **Exhibit A.** At this hearing, Judge Eskridge addressed the Complaint filed in this case, referring to it as the “related action.” *Id.* Counsel for Tempur Sealy indicated that “the [current] matter was indicated as related to [4:24-cv-02508], for assignment to Judge Charles Eskridge.” *Id.* Consistent with this representation, this matter was listed as a related matter to 4:24-cv-02508 on the Civil Cover Sheet attached to the Complaint. **Exhibit B.** This matter is currently assigned to the Honorable Andrew Hanen.

### **Prayer for Relief**

For the foregoing reasons, Plaintiffs respectfully request that this Court reassign this case to Judge Charles Eskridge for handling as a related matter to 4:24-cv-02508.

Dated: October 9, 2024

Respectfully submitted,

/s/ Sara Y. Razi

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was served on the following counsel of record in this matter via CM/ECF on this 9th day of October, 2024.

/s/ Alex B. Roberts  
Alex B. Roberts

**CERTIFICATE OF CONFERENCE**

As Defendants have not yet been served and Plaintiffs understand from the FTC's counsel in the related case that counsel for this matter has not yet been assigned, Plaintiffs are unable to confer with Defendants about this request at the time of filing. Tempur Sealy's counsel did alert the FTC's counsel in the related matter of this filing on October 8, 2024.

/s/ Alex B. Roberts  
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