

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC and JAMES
FRANCE

Defendants.

Civil Action No. 3:24-cv-886-FDW-SCR

PUBLIC REDACTED VERSION

DECLARATION OF JEFFREY L. KESSLER
IN SUPPORT OF PLAINTIFFS' REPLY IN FURTHER SUPPORT OF THEIR MOTION
FOR PRELIMINARY INJUNCTION

I, Jeffrey L. Kessler, declare as follows:

1. I am a partner at Winston & Strawn LLP, counsel for Plaintiffs 2311 Racing LLC d/b/a 23XI Racing and Front Row Motorsports, Inc. in this matter. I make this declaration based on my personal knowledge and in support of Plaintiffs' Reply in Further Support of their Motion for Preliminary Injunction.

2. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. Attached as Exhibit 12 is a true and correct copy of the 2024 NASCAR Cup Series Open Team Owner Agreement (the "Open Team Owner Agreement"). Section 11 of the Open Team Owner Agreement includes the same release found in Section 10.3 of the 2016 and 2025 Charter Agreements. I understand this release is also in the Open Team Owner Agreement for prior years and 2025. The release states:



I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 30, 2024

/s/ Jeffrey L. Kessler
Jeffrey L. Kessler

