

**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

**SUPPLEMENTAL DECLARATION OF CHRISTOPHER S. YATES
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Christopher S. Yates, declare, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member in good standing in the bar of state of California and am admitted *pro hac vice* to practice before this Court. I am a partner at Latham & Watkins LLP, counsel for Defendants National Association for Stock Car Auto Racing, LLC ("NASCAR") and James France in this matter. The facts stated in this Declaration are of my own personal knowledge and I could and would testify to them in a court of law.

2. On October 31, 2024, Defendants moved the Court for permission to file a supplemental declaration under seal. (Doc. No. 36.) On November 1, 2024, the Court granted that motion. (Text-Only Order, Nov. 1, 2024.)

3. I make this supplemental declaration in support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction.

4. Attached as **Exhibit T** is a true and correct copy of the NASCAR Cup Series Open Team Owner Agreement for **designated vehicle number 67**, entered into by NASCAR and Plaintiff **23XI** in **February 2023**.

5. Attached as **Exhibit U** is a true and correct copy of the NASCAR Cup Series Open Team Owner Agreement for **designated vehicle number 150**, entered into by NASCAR and Plaintiff **23XI** in **March 2024**.

6. Attached as **Exhibit V** is a true and correct copy of the NASCAR Cup Series Open Team Owner Agreement for **designated vehicle number 36**, entered into by NASCAR and Plaintiff **Front Row Motorsports** in **February 2023**.

7. Attached as **Exhibit W** is a true and correct copy of the NASCAR Cup Series Open Team Owner Agreement for **designated vehicle number 36**, entered into by NASCAR and Plaintiff **Front Row Motorsports** in **February 2024**.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 1, 2024.

Respectfully,

/s/ Christopher S. Yates
Christopher S. Yates
of LATHAM & WATKINS LLP

Dated: November 1, 2024

Respectfully submitted,

By: /s/ Tricia Wilson Magee
Tricia Wilson Magee (N.C. Bar No. 31875)
SHUMAKER, LOOP, & KENDRICK, LLP
101 S Tryon Street, Suite 2200
Charlotte, NC 28280
Tel: 704-945-2911
Fax: 704-332-1197
tmagee@shumaker.com

Christopher S. Yates*
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 395-8240
Facsimile: (415) 395-8095
chris.yates@lw.com

Lawrence E. Buterman*
LATHAM & WAKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 906-1200
Facsimile: (212) 751-4864
lawrence.buterman@lw.com

Anna M. Rathbun*
Christopher J. Brown*
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201
anna.rathbun@lw.com
chris.brown@lw.com

* Admitted *pro hac vice*

*Counsel for Defendants NASCAR and Jim
France*

WORD COUNT CERTIFICATION

I hereby certify that the foregoing document contains fewer than 4,500 words according to the word count feature in Microsoft Word and is therefore in compliance with the word limitation set forth in Judge Whitney’s Scheduling Order.

This the 1st day of November, 2024.

Respectfully submitted,

/s/ Tricia Wilson Magee

Tricia Wilson Magee (N.C. Bar No. 31875)
SHUMAKER, LOOP, & KENDRICK, LLP
101 S Tryon Street, Suite 2200
Charlotte, NC 28280
Tel: 704-375-0057
Fax: 704-332-1197
Email: tmagee@shumaker.com

ARTIFICIAL INTELLIGENCE (AI) CERTIFICATION

I hereby certify the following:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg;

2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 1st day of November, 2024.

/s/ Tricia Wilson Magee

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **SUPPLEMENTAL DECLARATION OF CHRISTOPHER S. YATES IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** was electronically filed using the Court's CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

Danielle T. Williams
WINSTON & STRAWN LLP
300 South Tryon Street
16th Floor
Charlotte, NC 28202
dwilliams@winston.com

Jeffrey L. Kessler
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
jkessler@winston.com

Jeanifer Parsigian
Michael Toomey
WINSTON & STRAWN LLP
101 California Street
San Francisco, CA 94111
jparsigian@winston.com
mtoomey@winston.com

Matthew DalSanto
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
mdalsanto@winston.com

*Counsel for Plaintiffs 23XI Racing and
Front Row Motorsports Inc.*

This the 1st day of November, 2024.

/s/ Tricia Wilson Magee