

**Waiver of Disqualification Letter - CIVIL CASES**

From: Tricia Wilson Magee  
SHUMAKER, LOOP, & KENDRICK, LLP  
101 S Tryon Street, Suite 2200  
Charlotte, NC 28280

Christopher S. Yates  
LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111

Lawrence E. Buterman  
LATHAM & WAKINS LLP  
1271 Avenue of the Americas  
New York, NY 10020

Anna M. Rathbun  
Christopher J. Brown  
LATHAM & WATKINS LLP  
555 Eleventh Street, NW, Suite 1000  
Washington, DC 20004

To: Katie Hord Simon, Clerk of the Court  
United States District Court  
for the Western District of North Carolina  
401 W. Trade Street  
Charlotte, NC 28202

Date: 11/4/2024

Re: 2311 Racing LLC, et al. v. National Association for Stock Car Auto Racing, LLC, Case  
No. 3:24-cv-00886-FDW-SCR

Dear Ms. Simon:

We have consulted with our clients, National Association for Stock Car Auto Racing (“NASCAR”) and James France, all of the clients that we represent in the above-styled and numbered cause, concerning the Clerk’s Notice that Judge Whitney intends to disqualify himself from this case because his impartiality might reasonably be questioned because one of the counsel for Defendants is Judge Whitney’s former career clerk. Our clients and we hereby waive this disqualification. We are willing to proceed with Judge Whitney presiding. Indeed, Ms. Magee

has signed every pleading in this case since Defendants appeared on October 8, 2024. In the event that opposing counsel is unwilling to consent, Ms. Magee is willing to recuse herself from this matter and substitute another member of her firm to serve as local counsel.

Pursuant to Canon 3D of the Code of Conduct, we are submitting this letter to the clerk's office, but we are not copying Judge Whitney, nor are we copying the other counsel of record or the other parties.

Yours truly,

*/s/ Christopher S. Yates*

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

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

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*

Attorney of Record, on behalf of:  
**NASCAR**  
**James France**

