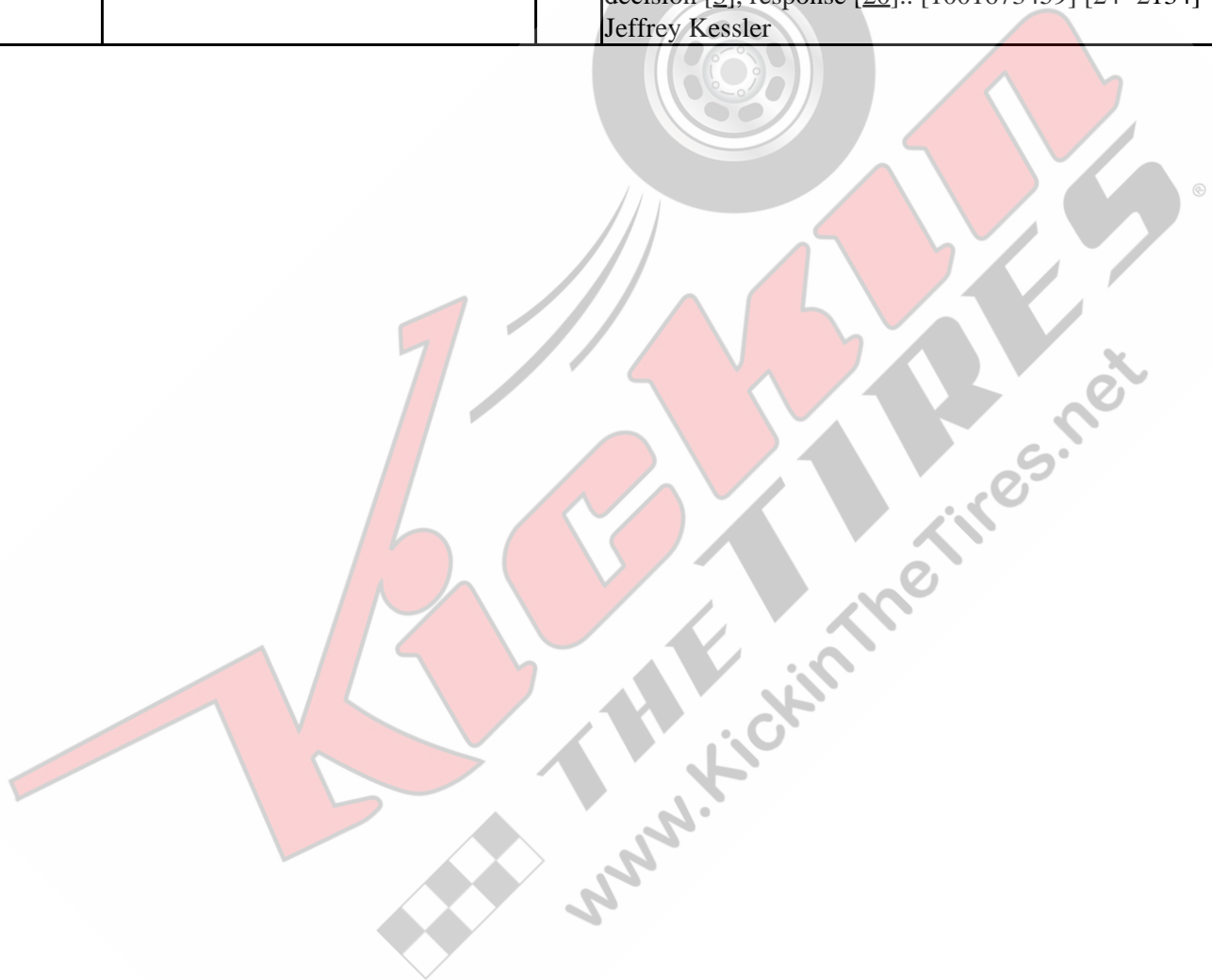


Selected docket entries for case 24-2134

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Filed	Document Description	Page	Docket Text
11/18/2024	<u>21</u> Notice that a reply will/will not be filed	2	NOTICE by 2311 Racing LLC and Front Row Motorsports, Inc. that a reply will be filed.. [1001673458] [24-2134] Jeffrey Kessler
11/18/2024	<u>22</u> REPLY (to response)	6	REPLY by 2311 Racing LLC and Front Row Motorsports, Inc. to Motion for other relief [3], Motion to expedite decision [3], response [20].. [1001673459] [24-2134] Jeffrey Kessler



No. 24-2134

IN THE
United States Court of Appeals for the Fourth Circuit

2311 RACING LLC D/B/A 23XI RACING AND FRONT
ROW MOTORSPORTS, INC.,
Plaintiffs-Appellants,

v.

NATIONAL ASSOCIATION FOR STOCK CAR AUTO
RACING, LLC and JAMES FRANCE,
Defendants-Appellees.

On Appeal from the United States District Court
for the Western District of North Carolina
No. 3:24-cv-886
Hon. Frank D. Whitney

**PLAINTIFFS-APPELLANTS' NOTICE OF
INTENT TO FILE A REPLY TO
DEFENDANTS-APPELLEES' OPPOSITION
TO PLAINTIFFS-APPELLANTS' MOTION
TO EXPEDITE APPEAL AND SET
BRIEFING DEADLINES**

Pursuant to Local Rule 27(d)(2), Plaintiffs-Appellants hereby notify the Court of their intent to file a Reply to Defendants-Appellees' Opposition to Plaintiffs-Appellants' Motion to Expedite Appeal, No. 24-2134, Doc. 20, by end of day November 18, 2024, and request the Court delay responding to Plaintiffs-Appellants' Motion to Expedite Appeal until the Reply is filed.

Respectfully submitted,

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Counsel for Plaintiffs 2311 Racing LLC

d/b/a 23XI Racing and Front Row

Motorsports, Inc.



CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, I electronically filed the foregoing **NOTICE OF INTENT TO FILE A REPLY TO DEFENDANTS-APPELLEES' OPPOSITION TO PLAINTIFFS-APPELLANTS' MOTION TO EXPEDITE APPEAL AND SET BRIEFING DEADLINES** by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Jeffrey L. Kessler

JEFFREY L. KESSLER

No. 24-2134

IN THE
United States Court of Appeals for the Fourth Circuit

2311 RACING LLC D/B/A 23XI RACING AND FRONT
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No. 3:24-cv-886
Hon. Frank D. Whitney

**APPELLANTS' REPLY TO MOTION TO
EXPEDITE APPEAL AND SET BRIEFING
DEADLINES**

Appellees' response is largely focused on the merits of the underlying appeal rather than Appellants' motion to expedite the appeal. While Appellants' merits brief will address Appellees' arguments regarding the need for preliminary relief in the face of imminent and irreparable harm, the immediate need is for this Court to allow an expedited briefing schedule to resolve the appeal before the start of the race season on February 2, 2025. And Appellees' merits arguments only further demonstrate that an expedited briefing schedule is achievable. There is nothing new in this appeal. It is a discrete issue regarding whether the district court erred in denying a motion for preliminary injunction. And the parties have been briefing this issue since October 29, 2024.

While Appellants do not want to interfere with the holidays, there is no way to avoid them, as demonstrated by Appellees' proposed schedule allocating only seven days for Appellants' reply right in the middle of Christmas. But Appellees' proposed schedule is too late to prevent irreparable harm to Appellants. There is no dispute that the first race of 2025 NASCAR Cup Series season is on February 2, 2025, and the Daytona

500 race is shortly thereafter on February 16, 2025. Under their proposed schedule, oral argument would occur at this Court's next sitting on January 28, 2025. That is four days before the first race. But Appellants need to know whether they will be able to compete in the first race as a charter team or whether they are relegated to an open team slot and lose critical sponsors, drivers, goodwill, and fans *before* the race. Resolving this issue before the race is best for all parties, because everyone needs to know how many charters there will be for the 2025 season, as the prize money for the races depends on it.

Appellees try to obstruct the appeal by dropping the release from the open agreements after Appellants filed the notice of appeal and motion to expedite, implying the appeal would be moot since the open agreements no longer contain the offending release. But the basis for the preliminary injunction was not about the open agreements. It was about the irreparable harm that Appellants will incur without the *Charter Agreements*. Appellants need the Charter Agreements to maintain their businesses as premier stock car racing teams. If they lose their Charter Agreements for this season,

Appellants lose their ability to compete in a charter spot for the whole season. Appellants will still face irreparable harm if they are relegated to competing as open teams because there is no guarantee an open team can even compete in the Cup Series, as will be described further in Appellants' merits brief.

For the foregoing reasons and those explained in Appellants' opening motion, this Court should grant Appellants' motion and issue the expedited briefing schedule, as proposed by Appellants, for Appellants' appeal of the district court's denial of Appellants' request for preliminary injunction.

Respectfully submitted,

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Motorsports, Inc.*

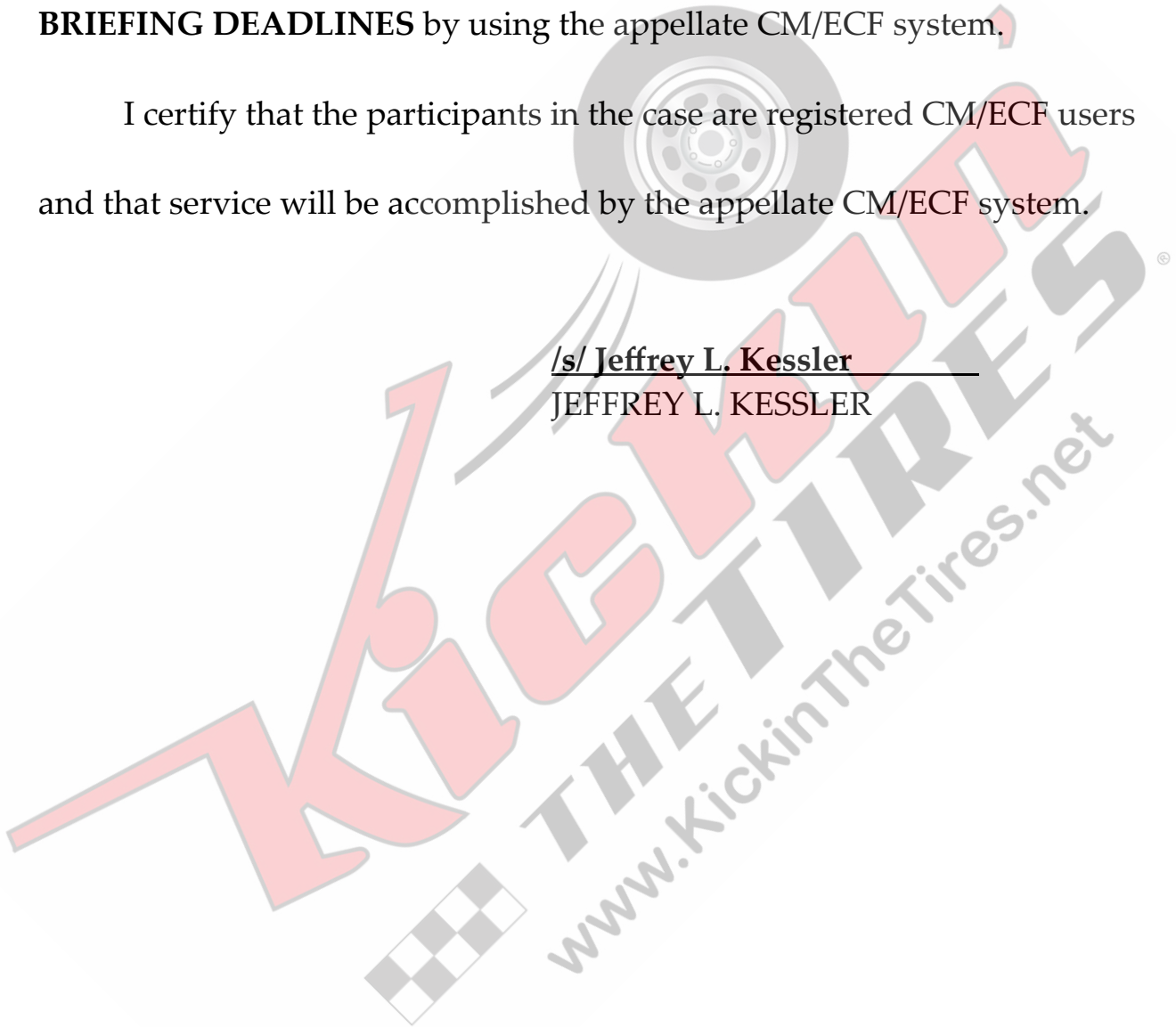
CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, I electronically filed the foregoing **REPLY TO MOTION TO EXPEDITE APPEAL AND SET BRIEFING DEADLINES** by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Jeffrey L. Kessler

JEFFREY L. KESSLER



CERTIFICATE OF COMPLIANCE

Pursuant to FRAP 32(g)(1), I hereby certify that the foregoing motion complies with the type-volume limitation in FRAP 27(d)(2)(A). According to Microsoft Word, the motion contains 763 words and has been prepared in a proportionally spaced typeface using Palatino Linotype in 14-point size.

/s/ Jeffrey L. Kessler

JEFFREY L. KESSLER

