

**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

**JAMES FRANCE’S MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant James France respectfully moves to dismiss the Complaint of Plaintiffs 2311 Racing LLC and Front Row Motorsports, Inc. As set forth more fully in the accompanying Memorandum, the grounds for this Motion are as follows:

1. Because Plaintiffs’ claims as to Mr. France are entirely predicated on his role as a corporate officer at NASCAR, Plaintiffs’ claims against Mr. France fail for the same reasons their claims against NASCAR do.
2. Even if Plaintiffs had alleged a plausible claim against NASCAR (which they have not), Plaintiffs’ claims against Mr. France must still be dismissed because they fail to make plausible, factual allegations that Mr. France “actively and knowingly engaged in a scheme designed to achieve anticompetitive ends.” *Brown v. Donco Enterprises, Inc.*, 783 F.2d 644, 647 (6th Cir. 1986).

The grounds for this Motion are more fully set forth in Mr. France's accompanying Memorandum of Law.

Dated: December 2, 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 & WATKINS 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**

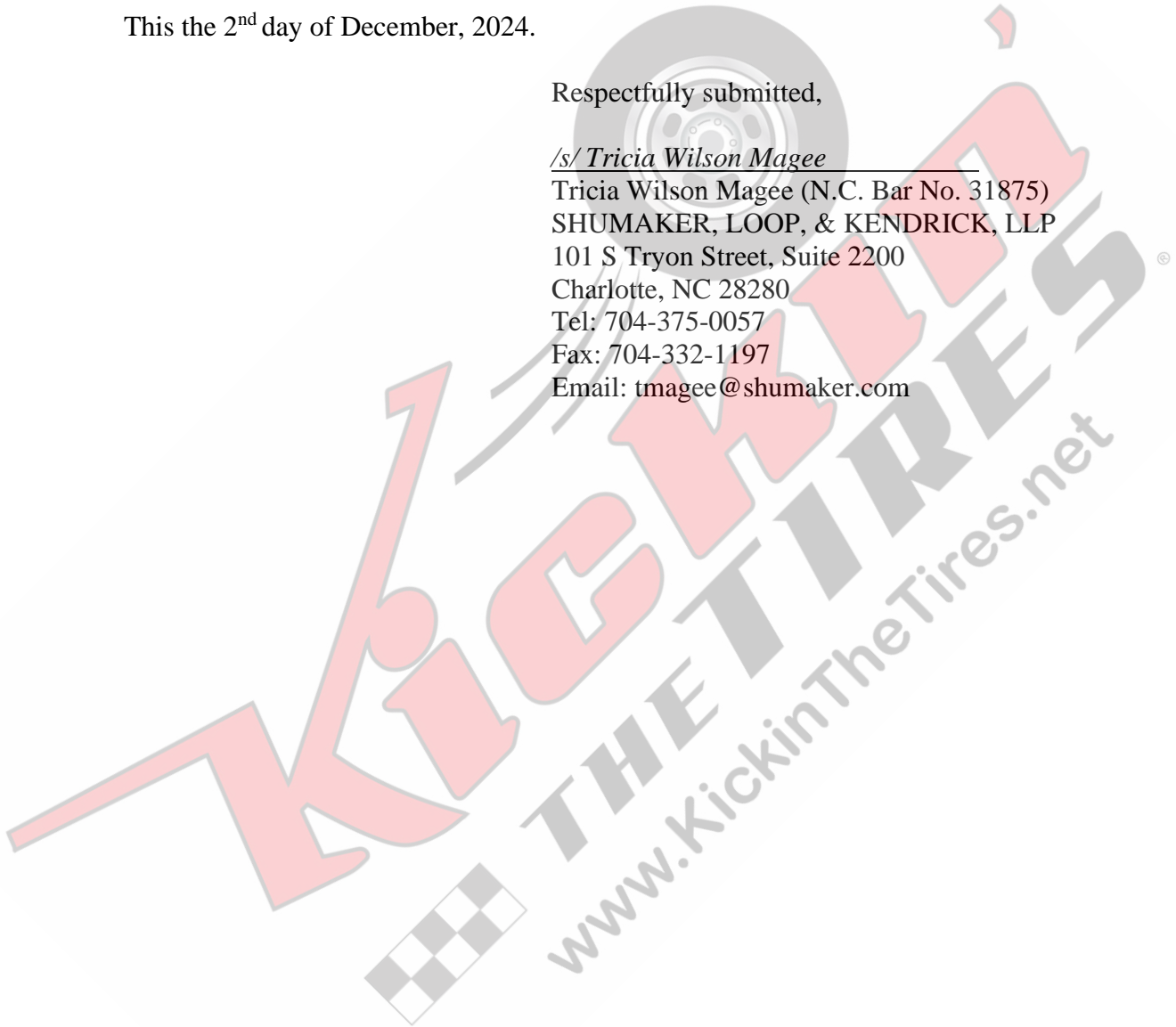
I hereby certify that the foregoing document contains fewer than 4,500 words according to the word count feature in Microsoft Word and is therefore in compliance with the word limitation set forth in Judge Whitney’s Scheduling Order.

This the 2<sup>nd</sup> day of December, 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](mailto: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 as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

This the 2<sup>nd</sup> day of December, 2024.

/s/ Tricia Wilson Magee

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **JAMES FRANCE'S MOTION TO DISMISS** 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  
16<sup>th</sup> Floor  
Charlotte, NC 28202  
[dwilliams@winston.com](mailto:dwilliams@winston.com)

Jeffrey L. Kessler  
**WINSTON & STRAWN LLP**  
200 Park Avenue  
New York, NY 10166  
[jkessler@winston.com](mailto:jkessler@winston.com)

Jeanifer Parsigian  
Michael Toomey  
**WINSTON & STRAWN LLP**  
101 California Street  
San Francisco, CA 94111  
[jparsigian@winston.com](mailto:jparsigian@winston.com)  
[mtoomey@winston.com](mailto:mtoomey@winston.com)

Matthew DalSanto  
**WINSTON & STRAWN LLP**  
35 W. Wacker Drive  
Chicago, IL 60601  
[mdalsanto@winston.com](mailto:mdalsanto@winston.com)

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

This the 2<sup>nd</sup> day of December, 2024.

/s/ Tricia Wilson Magee