

**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

RESPONSE TO PLAINTIFFS' NOTICE/LETTER

NOW COME Defendants National Association for Stock Car Auto Racing, LLC and James France (collectively, "Defendants"), in response to Plaintiffs' letter, (Doc. No. 61), concerning the reassignment of the above-referenced matter to Your Honor since it omits certain facts.

First, Judge Whitney heard oral argument on Plaintiffs' first motion for preliminary injunction on November 4, 2024, and then denied Plaintiffs' motion in an Order issued on November 8, 2024. (Doc. Nos. 42 (under seal), 43 (redacted)). Plaintiffs then filed a notice of appeal in the Fourth Circuit and sought an expedited briefing schedule. Plaintiffs then dismissed their appeal on November 20, 2024, and then on Tuesday, November 26, 2024, filed a second motion for preliminary injunction. NASCAR opposed that motion on December 9, 2024, in accordance with the briefing schedule set by Judge Whitney and focused its arguments given Judge Whitney's familiarity with the briefing on the first motion and given oral argument on the first motion/demonstratives used at that hearing. NASCAR also complied with the word limit for briefs set by Judge Whitney's individual practices; NASCAR respectfully submits that for all pending motions, the parties should comply with Judge Whitney's specified word counts.

Second, in accordance with Judge Whitney's individual practices, both NASCAR and its individually named CEO Mr. James France, filed motions to dismiss on December 2, 2024. Defendants again complied with the word limit for briefs set by Judge Whitney. Defendants also filed answers, as required by Judge Whitney's individual practices even though Defendants believe that their motions to dismiss should be granted.

Third, Your Honor's default schedules for complex cases like this one are different from Judge Whitney's. Accordingly, Defendants respectfully suggest that the Court continue the deadline to submit their Certification of Initial Attorneys Conference so the parties can conduct another Initial Attorneys' Conference once the Court rules on Defendants' motions to dismiss.

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Dated: December 11, 2024.

Respectfully submitted,

By: /s/ Tricia Wilson Magee
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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 11th day of December, 2024.

/s/ Tricia Wilson Magee

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **RESPONSE TO PLAINTIFFS' NOTICE/LETTER** was electronically filed using the Court's CM/ECF system, which will automatically send notice of filing to all parties of record as follows:

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This the 11th day of December, 2024.

/s/ Tricia Wilson Magee