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December 12, 2024

VIA ECF

The Honorable Kenneth D. Bell
7200 Charles R. Jonas Federal Bldg.
401 West Trade Street
Charlotte, NC 28202

**Re: 2311 Racing LLC et al. v. National Association for Stock Car Auto Racing, LLC[®]
et al., Case No. 3:24-cv-00886-KDB-SCR – Case Reassignment**

Dear Judge Bell:

Plaintiffs 2311 Racing LLC d/b/a 23XI Racing and Front Row Motorsports, Inc. in the above-captioned matter offer this response to Defendants' letter (Dkt. 62).

First, Plaintiffs agree the parties should abide by Judge Whitney's word limits for Plaintiffs' pending renewed motion for a preliminary injunction and Defendants' motions to dismiss.

Second, there is no reason to delay the start of discovery in this matter. Judge Whitney previously ordered that the parties promptly begin discovery (Dkt. 42 at 7) ("The Court also DIRECTS the parties to conduct the Initial Attorneys Conference as soon as possible after the responsive pleading is filed and to file the Rule 26(f) report no later than December 16, 2024, so that a case management order can promptly issue.").

The parties have already met and conferred at the Initial Attorneys' Conference on December 9, 2024, and exchanged drafts of a discovery plan, ESI protocol, and protective order. While Your Honor's default schedule for complex cases is different from Judge Whitney's default schedule, the parties have already exchanged scheduling proposals contemplating an eight-to-ten-month discovery period concluding in Fall 2025, which is consistent with Your Honor's default schedule in your standing pretrial order.

While the parties have not yet reached agreement regarding every aspect of a discovery plan, the parties had a productive Initial Attorneys' Conference and the proposals exchanged are not far apart. The parties should be able to conclude negotiations in the time Judge Whitney allowed.

A stay of discovery until resolution of Defendants' pending motions to dismiss would only delay progress in a complex case that is already moving forward.

Respectfully,

/s/ Jeffrey L. Kessler
Jeffrey L. Kessler

cc: All counsel (via ECF)

