

**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-KDB-SCR

**PLAINTIFFS' PROPOSED PRELIMINARY INJUNCTION**

Plaintiffs 2311 Racing LLC (“23XI”) d/b/a 23XI Racing and Front Row Motorsports, Inc. (“Front Row”), by and through their undersigned counsel and pursuant to Federal Rule of Civil Procedure 65, have moved this Court for entry of an order granting a preliminary injunction in their favor and against Defendants National Association for Stock Car Auto Racing, LLC (“NASCAR”) and James France. Plaintiffs allege Defendants have unlawfully exercised monopsony power in the market for premier stock car racing teams in the United States in violation of Sections 1 and 2 of the Sherman Antitrust Act, 15 U.S.C. §§ 1–2.

Plaintiffs submit this proposed preliminary injunction to clarify the preliminary relief they seek from this Court as follows: (i) requiring Defendants to allow 23XI to run during the pendency of this litigation two NASCAR Cup Series teams under the terms of the NASCAR Cup Series Charter Member Agreements offered to Plaintiffs on September 6, 2024; (ii) requiring Defendants to allow Front Row to run during the pendency of this litigation two NASCAR Cup Series teams under the terms of the NASCAR Cup Series Charter Member Agreements offered to Plaintiffs on

September 6, 2024; (iii) enjoining Defendants from enforcing Section 10.3, or any additional release that Defendants now claim to be required as part of the transfer process, of any NASCAR Cup Series Charter Member Agreement that is granted, or transferred (pursuant to the pending transactions with Stewart-Haas Racing, LLC (“SHR”)), to either Plaintiff as a defense to any antitrust claim that either Plaintiff is pursuing in this action; and (iv) requiring Defendants to approve the transfer of SHR’s NASCAR Cup Series Charter Member Agreement to Front Row.

WHEREFORE, Plaintiffs hereby respectfully request that this Honorable Court grant the following preliminary relief:

- a. Defendants and their agents, servants, employees, attorneys, and all persons in active concert or participation with Defendants, must allow 23XI to run during the pendency of this litigation two NASCAR Cup Series teams under the terms of the NASCAR Cup Series Charter Member Agreements offered to 23XI on September 6, 2024;
- b. Defendants and their agents, servants, employees, attorneys, and all persons in active concert or participation with Defendants, must allow Front Row to run during the pendency of this litigation two NASCAR Cup Series teams under the terms of the NASCAR Cup Series Charter Member Agreements offered to Front Row on September 6, 2024;
- c. Defendants and their agents, servants, employees, attorneys, and all persons in active concert or participation with Defendants, shall be enjoined from enforcing Section 10.3, or any additional release that Defendants now claim to be required as part of the transfer process, of any NASCAR Cup Series Charter Member Agreement that is granted, or transferred (pursuant to the

pending transactions with SHR), to either Plaintiff as a defense to any antitrust claim that either Plaintiff is pursuing in this action; and

- d. Defendants and their agents, servants, employees, attorneys, and all persons in active concert or participation with Defendants, must approve the transfer of SHR's NASCAR Cup Series Charter Member Agreement to Front Row.



Dated: December 12, 2024

Respectfully submitted,

WINSTON & STRAWN LLP

By: /s/ Jeffrey L. Kessler

Jeffrey L. Kessler

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **PLAINTIFFS' PROPOSED PRELIMINARY INJUNCTION** was electronically filed using the Court's CM/ECF system, which will automatically send notice of this filing to counsel of record for all parties, including:

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