

**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

**REPLY IN SUPPORT OF MOTION TO STRIKE**

Plaintiffs' Opposition all but concedes that what they represented to the Court as a "clarification" of their requested injunctive relief is, in reality, a new request for additional injunctive relief. That is improper under this Court's rules and also ignores the bedrock requirement under Rule 65 that a party must have notice of—and an opportunity to respond to—a request for an injunction absent exceptional circumstances not present here. As explained in NASCAR's motion to strike, neither Plaintiffs' Complaint, their unsuccessful first motion for an injunction, nor their second motion for an injunction include a request for the relief now sought as part of Plaintiffs' "clarification" and reply brief.

NASCAR is not asking the Court to mine the record to determine what should be stricken, as the Motion to Strike indicates with specificity two objectionable portions of Plaintiffs' "clarification" contained in Doc. No. 65, as well as the improper argument on new evidence identified as Doc. Nos. 66-10, 67-1, 67-2. *See* Doc. No. 68 at 2. NASCAR also did not invite any amendment to the pending motion. Instead, NASCAR responded to the argument, made in

Plaintiffs' second motion for preliminary injunction, that the Court invalidate Section 10.3 of the signed SHR Charter. NASCAR did not make any arguments in opposition to a request that the Court *mandate the transfer* of a signed SHR Charter to Front Row because Plaintiffs seek no such relief in their complaint or in their two motions for preliminary injunction.

Plaintiffs' Opposition to the instant motion is also based on an entirely misleading recitation of facts relied on in their Reply Brief, which warrants an opportunity for Defendants to respond to Plaintiffs' new requests. Plaintiff Front Row represented to NASCAR on September 12, 2024 that they intended to sign the Charter, but needed more time. Doc. No. 62-2 at 3. Front Row then reversed course, filed this lawsuit alleging that the Charter is anticompetitive, and also refuses to be bound by multiple provisions of the *signed* SHR Charter. By contrast, another team purchased a SHR Charter by meeting all of the express terms required for a transfer, including by signing a "customary release and indemnity." Front Row's previous declarations and argument to this Court make clear that it always understood that NASCAR had not approved the transfer. Doc. No. 21-2 ¶9 (Bob Jenkins of Front Row stating in October 9, 2024 declaration that SHR transaction "requires approval from NASCAR").

If the Court does not strike Plaintiffs' new requests found in the "clarification," NASCAR respectfully submits that it should have an opportunity to respond and present evidence to this Court as to Front Row's refusal to agree to conditions precedent to obtain a signed Charter and failure to meet express terms required for a transfer (an assignment of a signed contract).

Dated: December 13, 2024

Respectfully submitted,

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**ARTIFICIAL INTELLIGENCE (AI) CERTIFICATION**

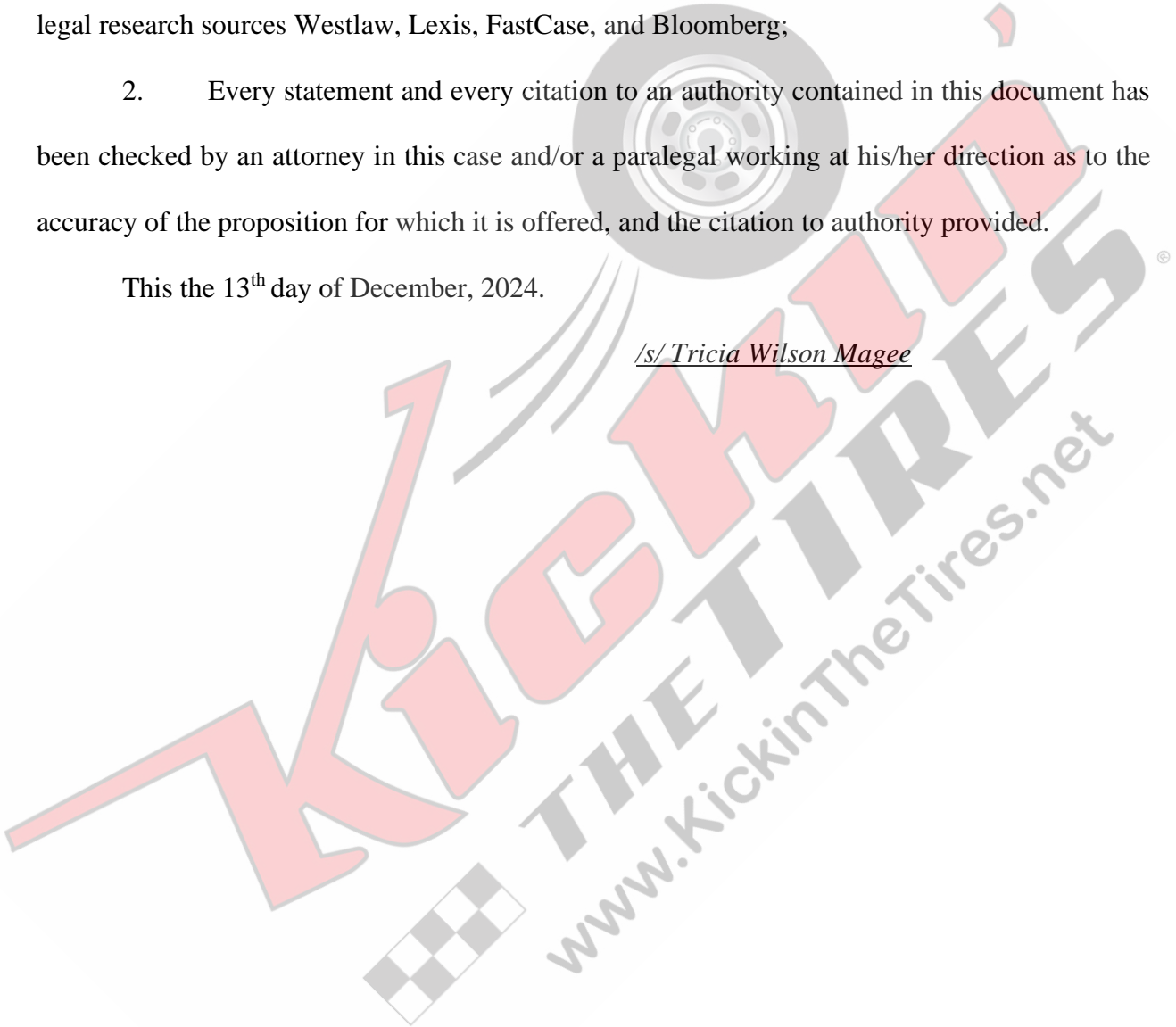
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This the 13<sup>th</sup> day of December, 2024.

/s/ Tricia Wilson Magee



**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **REPLY IN SUPPORT OF MOTION TO STRIKE** 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 13<sup>th</sup> day of December, 2024.

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