

**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, NASCAR
HOLDINGS, LLC, NASCAR EVENT
MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

No. 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,
FRONT ROW MOTORSPORTS, INC., and
CURTIS POLK,

Counter-Defendants.

NASCAR'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, NASCAR respectfully moves for summary judgment against Plaintiffs 2311 Racing LLC d/b/a 23XI Racing and Front Row Motorsports, Inc. (collectively, "Plaintiffs") on their Sherman Act Sections 1 and 2 claims (Am. Compl., Counts One and Two).

As set forth more fully in the accompanying Memorandum, the grounds for NASCAR's summary judgment motion against Plaintiffs' claims are as follows:

1. There is no genuine dispute of material fact that Plaintiffs' claims are time-barred. The statute of limitations for Sherman Act claims is four years. The bulk of the conduct Plaintiff challenges occurred between 2016 and 2019. Claims based on that conduct are long expired. Plaintiffs' reliance on the continuing violation doctrine is misplaced; that doctrine has no applicability here.
2. There is no genuine dispute of material fact that Plaintiffs voluntarily and repeatedly released their claims. The Fourth Circuit already upheld that release language as "standard" contractual language that released claims based on all sorts of prior conduct, including antitrust claims.
3. There is no genuine dispute of material fact that Plaintiffs put forward a single, aggregated damages number for a purported "course of conduct," including time-barred conduct. Plaintiffs fail to distinguish damages for actionable and non-actionable conduct, rendering Plaintiffs' damages evidence inapplicable and leaving the jury only to speculate.
4. There is no genuine dispute of material fact that Plaintiffs lack standing to assert their claims. Plaintiffs concede they are not trying to start their own competing racing series. Thus, the allegedly exclusionary provisions in NASCAR's racetrack sanctions and Charter Agreements could not have caused them any harm. Plaintiffs also never signed the 2025 Charter Agreements and are not bound by any provisions therein. And Plaintiffs' damages expert conceded that he offers no opinion that the acquisitions caused Plaintiffs harm.
5. There is no genuine dispute of material fact that 23XI entered the Cup Series eyes wide open. 23XI understood the terms of the Charter, believed that they were not

competitive, and decided to go forward anyway. 23XI cannot now complain of being locked in. Plaintiffs' gerrymandered, fail-safe, alleged market should be rejected as a matter of law, even if the testimony of their expert satisfied Rule 702, which it does not.

6. Finally, there is no genuine dispute of material fact that Plaintiffs' Section 1 claim fails for lack of proof. Plaintiffs fail to provide any evidence on essential elements under the rule of reason. This is fatal at summary judgment.

WHEREFORE, NASCAR respectfully requests that this Court grant its Motion for Summary Judgment.

Dated: October 3, 2025

Respectfully submitted,

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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 3rd day of October, 2025.

/s/ Christopher S. Yates
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CERTIFICATE OF SERVICE

I certify that on October 3, 2025, a true and correct copy of the foregoing was served via Email on the below counsel of record for Plaintiffs 2311 Racing LLC d/b/a 23XI Racing and Front Row Motorsports, Inc. and Counter-Defendant Curtis Polk.

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