

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:24-CV-00886-KDB-SCR**

**2311 RACING LLC AND FRONT
ROW MOTORSPORTS, INC.,**

Plaintiffs,

v.

**NATIONAL ASSOCIATION FOR
STOCK CAR AUTO RACING,
LLC; ET AL.,**

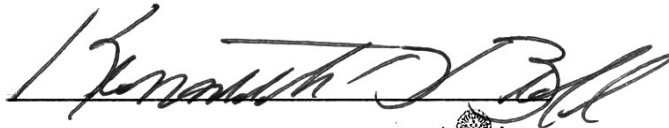
Defendants.

MEMORANDUM AND ORDER

THIS MATTER is before the Court on the Motion for Protective Order filed by Rick Hendrick; Roger Penske; Hendrick Motorsports, LLC; Penske Racing South, Inc. and HMS Holding, LLC, which seeks to either prohibit or limit Mr. Hendrick's and Mr. Penske's depositions and trial testimony. (Doc. No. 414). As the Court has repeatedly said, the trial of this matter will be publicly and fairly contested under the relevant rules and law, without regard to the notoriety of the companies and individuals involved. No company or individual will be accorded special treatment (which is effectively what movants request here). NASCAR has told Plaintiffs and now the Court, (Doc. No. 423), that Mr. Hendrick and Mr. Penske will be called as witnesses for NASCAR at trial. Therefore, unless NASCAR irrevocably commits not to call these individuals as trial witnesses, then Plaintiffs have the right to promptly depose them before trial and cross-examine them at trial within the governing Federal Rules, without limitation. The movants' Motion for Protective Order is DENIED.

SO ORDERED ADJUDGED AND DECREED.

Signed: November 10, 2025

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

