

No. 24-2134

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IN THE  
**United States Court of Appeals for the Fourth Circuit**

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2311 RACING LLC D/B/A 23XI RACING AND FRONT  
ROW MOTORSPORTS, INC.,  
*Plaintiffs-Appellants,*

*v.*

NATIONAL ASSOCIATION FOR STOCK CAR AUTO  
RACING, LLC and JAMES FRANCE,  
*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the Western District of North Carolina  
No. 3:24-cv-886  
Hon. Frank D. Whitney

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**APPELLANTS' MOTION FOR VOLUNTARY  
DISMISSAL OF APPEAL**

Plaintiffs-Appellants (“Appellants”) move this Court pursuant to Fed. R. App. P. 42(b) to voluntarily dismiss this appeal. In support of this motion, Appellants state as follows:

1. On November 12, 2024, Appellants filed a timely notice of appeal in the United States District Court for the Western District of North Carolina seeking to appeal the denial of Appellants’ preliminary injunction motion.

2. On November 14, 2024, Appellants filed a motion for expedited appeal seeking an abbreviated briefing schedule. Briefing for this motion was completed on November 18, 2024.

3. No merits briefs have been filed for the underlying appeal of the preliminary injunction motion.

4. Circumstances have changed in the underlying case, removing the need for this appeal and necessitating Appellants to seek new relief from the district court.

Appellants respectfully request that the court grant the voluntary dismissal of this appeal, along with the accompanying motion to expedite

(Dkt. No. 3), with each side bearing its own costs. Appellants understand that this proceeding will be dismissed and cannot be reinstated at a later date.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2024, I electronically filed the foregoing **MOTION FOR VOLUNTARY DISMISSAL OF APPEAL** by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Jeffrey L. Kessler

JEFFREY L. KESSLER

## CERTIFICATE OF COMPLIANCE

Pursuant to FRAP 32(g)(1), I hereby certify that the foregoing motion complies with the type-volume limitation in FRAP 27(d)(2)(A). According to Microsoft Word, the motion contains 175 words and has been prepared in a proportionally spaced typeface using Palatino Linotype in 14-point size.

/s/ Jeffrey L. Kessler

JEFFREY L. KESSLER