

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
25CV016837-590

RPAC RACING, LLC d/b/a LEGACY
MOTOR CLUB,

Plaintiff and Counterclaim
Defendant,

v.

RICK WARE RACING, LLC,

Defendant and Counterclaim
Plaintiff.

**[PROPOSED]
CONSENT ORDER GRANTING
MOTION AND RECOMMENDATION
FOR DESIGNATION OF CASE AS
EXCEPTIONAL CIVIL CASE AND
APPOINTMENT OF 2.1 JUDGE**

This matter came before the Honorable Carla Archie, Senior Resident Superior Court Judge for Mecklenburg County, upon consent motion of Defendant and Counterclaim Plaintiff Rick Ware Racing, LLC's ("Defendant/Counterclaim Plaintiff") for recommendation to the Chief Justice of the Supreme Court of North Carolina that this proceeding be designated as an Exceptional or Complex Business Civil Case pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts. Defendant/Counterclaim Plaintiff has represented, and the Court finds, that this action is an appropriate case for designation as "exceptional" under Rule 2.1.

The Court makes this Order and recommendation based on the following findings:

1. Plaintiff RPAC Racing, LLC, d/b/a/ Legacy Motor Club ("Plaintiff") commenced this action against Defendant on April 1, 2025, by filing a Complaint in the Superior Court for Mecklenburg County. (Doc. 2). Plaintiff is alleging breach of a contract to sell a NASCAR charter. The amount in controversy is substantial.

2. On April 1, 2025, Plaintiff filed its Notice of Conditional Designation to the North Carolina Business Court. (Doc. 7). This notice of designation was never completed.

3. On July 22, 2025, the Court entered an Order granting Plaintiff leave to file an Amended Complaint. The Amended Complaint adds 63 new paragraphs and 7 new claims for relief.

4. On July 30, 2025, in connection with scheduling a hearing on the motion for a TRO, The Honorable Superior Court Judge Daniel A. Kuehnert wrote the following in an email to the parties' counsel:

Finally, regardless of the outcome tomorrow, considering the importance of the matter to all the parties and considering all the factors I am aware of in this case, *I would urge the attorneys and their clients to ask that this case be declared a Rule 2.1 case*, so that one judge can preside over it without both sides having to repeat all the relevant procedural and substantive facts every time a motion is heard, etc. ...Because of the circumstances, much like a NASCAR racing car, this case is fast becoming much more complicated than what one might think just looking at the outward appearance.

5. Designation of this matter under Rule 2.1 of the General Rules of Practice as “exceptional” and/or “complex business” is appropriate, and Defendant/Counterclaim Plaintiff requests that this action be assigned to a Special Superior Court Judge for the resolution of such a matter.

6. This case meets the definition for exceptional and complex business cases under Rule 2.1 in that the resolution of this dispute would necessarily involve an in-depth factual analysis and the amount at issue. Additionally, based on the visible public profile of this Action, Defendant/Counterclaim Plaintiff maintains that the publicity of the case and the consequences augment the Parties' interests in expeditious resolution of this matter. Therefore, such publicity supports the exceptionality of this matter.

7. Discovery is expected to be complicated, to include the production of various business records; conducting witness depositions; and document production which may include substantial confidential, sensitive, and proprietary business information that will be subject to additional procedural safeguards and confidentiality measures.

8. Accordingly, prompt and efficient resolution of these issues mandates a close and working familiarity with the nature and progress of the case. Such familiarity will reduce the need for extensive and potentially repetitious briefing on each matter. In sum, centralized management of these complex practical, procedural, and substantive issues with a single judge appointed to hear all case-related matters also affords the intricacies of this dispute more simplicity.

9. Resolution of this matter also will involve not only an understanding of complex business relationships, but also of practices and customs in the motorsports industry. Additionally, the case has garnered press coverage, with more expected as the case progresses.

10. Accordingly, a close and working familiarity with the nature and progress of the case is important to the efficient administration of justice. Such familiarity will reduce the need for extensive and potentially repetitious briefing on each matter. Centralized management of these complex practical, procedural, and substantive issues with a single judge appointed to hear all case-related matters affords the intricacies of this dispute more simplicity, greater certainty of decision-making, enhance judicial efficiency, and conserve judicial resources.

11. Designation will promote scheduling flexibility that will prevent undue imposition on the Court's regular presiding judges and normal case docket. Additionally, numerous witnesses-including potential experts-are expected to testify, such that certainty as to a mutually-convenient trial date should promote the resolution of the case and reduce the chances that continuances may be requested.

12. For the foregoing reasons, the efficient administration of justice will be served if this action is designated as an “exceptional” civil case.

THEREFORE, Defendant/Counterclaim Plaintiff’s Motion is GRANTED and IT IS RECOMMENDED to the Chief Justice of the North Carolina Supreme Court that this action be designated as an Exceptional Civil Case pursuant to Rule 2.1 of the General Rules of Practice for Superior and District Courts and that it be assigned to the Honorable Clifton H. Smith, Superior Court Judge for the 25th Judicial District (Burke, Caldwell, and Catawba Counties), who has agreed to serve and who has indicated he is available to try this case the week of January 26, 2026 as set forth in the Case Management Order that is already in place in this case.

This the ___ day of _____, 2025. 8/22/2025 1:41:49 PM



Senior Resident Superior Court Judge
Mecklenburg County

WE CONSENT:

/s/ Mark P. Henriques
Mark P. Henriques (N.C. Bar No. 18701)
Patrick G. Spaugh (N.C. Bar No. 49532)
Michael A. Ingersoll (N.C. Bar No. 52217)
WOMBLE BOND DICKINSON (US) LLP
301 South College Street, Suite 3500
Charlotte, North Carolina 28202-6025
Telephone: (704) 331-4900
E-mail: Mark.Henriques@wbd-us.com
E-mail: Patrick.Spaugh@wbd-us.com
E-mail: Mike.Ingersoll@wbd-us.com

Attorneys for Defendant/Counterclaim Plaintiff
Rick Ware Racing LLC

/s/ Lee M. Whitman (with permission)
Lee M. Whitman
D. Scott Hazelgrove, II
Wyrick Robbins Yates & Ponton LLP
4101 Lake Boone Trail, Suite 300
Raleigh, NC 27607

lwhitman@wyrick.com
shazelgrove@wyrick.com

Alex Spiro*
Quinn Emanuel Urquhart & Sullivan, LLP
295 5th Avenue, 9th Floor
New York, NY 10016
alexspiro@quinnemanuel.com

Keith H. Forst*
Paul D. Henderson*
Quinn Emanuel Urquhart & Sullivan, LLP
1300 I Street NW, Suite 900
Washington, DC 20005
keithforst@quinnemanuel.com
paulhenderson@quinnemanuel.com

Justin C. Griffin*
Quinn Emanuel Urquhart & Sullivan, LLP
865 S. Figueroa St., 10th Floor
Los Angeles, CA 90017
justingriffin@quinnemanuel.com

Attorneys for Plaintiff RPAC Racing, LLC d/b/a Legacy Motor Club

CERTIFICATE OF SERVICE

The undersigned certifies that on August 18, 2025, a copy of the **Proposed Consent Order Granting Motion and Recommendation for Designation of Case as Exceptional Civil Case and Appointment of 2.1 Judge** was served upon the following parties via the Court's ECF Filing Notification:

Lee M. Whitman
Douglas Scott Hazelgrove, II
Wyrick Robbins Yates & Ponton LLP
4101 Lake Boone Trail, Suite 300
Raleigh, NC 27607
lwhitman@wyrick.com
shazelgrove@wyrick.com

Alexander B. Spiro*
Quinn Emanuel Urquhart & Sullivan, LLP
295 5th Ave., 9th Floor
New York, NY 10016
alexspiro@quinnemanuel.com

Keith H. Forst*
Paul D. Henderson*
Quinn Emanuel Urquhart & Sullivan, LLP
1400 I Street NW, Suite 900
Washington, DC 20005
keithforst@quinnemanuel.com
paulhenderson@quinnemanuel.com

Justin C. Griffin*
Quinn Emanuel Urquhart & Sullivan, LLP
865 S. Figueroa St., 10th Floor
Los Angeles, CA 90017
justingriffin@quinnemanuel.com

Attorneys for Plaintiff Legacy Motor Club

/s/ Mark P. Henriques

Mark P. Henriques