

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

RY v. Fairley
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.)
)
)

**ORDER GRANTING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

THIS MATTER is before the Court on Plaintiff Legacy Motor Club's Motion for Preliminary Injunction, Index No. 105. Upon consideration of the Motion, the Court makes the following findings of fact and conclusions of law:

- 1) Plaintiff has shown a likelihood of success on the merits of its case;
- 2) Plaintiff is likely to sustain irreparable loss unless an injunction issues;
- 3) Issuance of an injunction is necessary for the protection of Plaintiff's rights during the course of litigation;
- 4) The potential harm to Plaintiff should an injunction not issue outweighs the potential harm to Defendant should an injunction issue;
- 5) A preliminary injunction will issue "(1) if a plaintiff is able to show a likelihood of success on the merits of his case and (2) if a plaintiff is likely to sustain irreparable loss unless the injunction is issued, or if, in the opinion of the Court, issuance is necessary for the protection of a plaintiff's rights during the course of litigation." *A.E.P. Indus., Inc. v. McClure*, 308 N.C. 393, 401, 302 S.E.2d 754, 759-60 (1983) (citations omitted).

THEREFORE, IT IS ORDERED THAT:

- 1) The Motion is GRANTED;
- 2) A Preliminary Injunction shall issue;
- 3) Defendant shall be ENJOINED from transferring or selling either NASCAR Cup Series Charter #27 or NASCAR Cup Series Charter #36, including, but not limited to, by closing the Puchyr Deal, dated June 4, 2025 (Exhibit E, Motion for Preliminary Injunction, Filed July 25, 2025); and
- 4) Defendant is ENJOINED from further encumbering NASCAR Cup Series Charter #27 or NASCAR Cup Series Charter #36 in an amount exceeding \$25 million, and any such encumbrance must be expressly made subject to and subordinate to any judgment in favor of Legacy's claims asserted in this litigation, including Legacy's claims for specific performance; and
- 5) To ensure availability of a Charter for Plaintiff if Plaintiff prevails in this lawsuit, Defendant will deliver the NASCAR Cup Series Charter (either #27 or #36) free from all encumbrances at the time of transfer, unless the encumbrance has been previously accepted by Plaintiff in the Charter Purchase Agreement, date March 1, 2025 (Exhibit A, Amended Complaint, Filed July 16, 2025).
- 6) Pursuant to Rule 65(c) of the North Carolina Rules of Civil Procedure, Plaintiffs are directed to maintain the bond previously posted in the amount of \$5,000,000.00 to serve as security for entry of this preliminary injunction, which amount the Court determines in its discretion is reasonable and sufficient to provide security under the circumstances of this case;

7) The \$5,000,000.00 bond previously posted shall remain as security for the issuance of this preliminary injunction and for such costs and damages as Defendant might incur or suffer if found to have been wrongfully enjoined.

8) Any failure to comply with this Order or any other orders of the Court may subject the noncompliant person or entity to contempt of court proceedings, which may result in fines, imprisonment, or other remedies that might be appropriate.

9) The Court's determinations in this Order are not intended to be, and are not, binding for purposes of subsequent dispositive motions, at trial, or otherwise for purposes of determining the merits of this action. *A.E.P. Indus., Inc. v. McClure*, 308 N.C. 393, 400, 302 S.E.2d 754, 759 (1983) (a preliminary injunction "is temporary," "lasts no longer than the pendency of the action," "bears no precedent to guide the final determination of the rights of the parties," and "is purely interlocutory." (citation and internal quotation marks omitted)).


10) Plaintiff's counsel is directed to serve a copy of this Order on Defendant's counsel promptly upon entry of the Order, and Plaintiff's counsel shall file proof of service with the Mecklenburg County Clerk of Court within five (5) days of entry of this Order.

11) This preliminary injunction will remain in effect pending trial, final resolution of this action, or until otherwise ordered by the Court.

12) That the TRO originally entered by this Court on August 1, 2025 is also hereby immediately DISSOLVED.

SO ORDERED, this 22nd day of August, 2025.

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Superior Court Judge Presiding