

TRAC 2016 – The Racing Attorney Conference
April 12-13, 2016 – Charlotte School of Law – Charlotte, NC

Table of Contents

I. BREAKING IN TO THE INDUSTRY / MOTORSPORTS 101

Moderator: Jonathan Fine – Charlotte, NC
Panelists: Stephanie Delgado – Charlotte, NC
Bray Pemberton – Mooresville, NC
Will Simmonds – Zionsville, IN

***Please Note: This presentation is optional and there are no written materials for this portion of the manuscript. This presentation does not offer MCLE credit.**

II. WELCOME TO FANTASY ISLAND! DAILY FANTASY AND MOTORSPORTS

Moderator: Julia C. Archer – Winston-Salem, NC
Panelist: Jacob Sommer – Washington, DC

| | |
|---|-------|
| UIGEA | II-1 |
| PASPA | II-17 |
| NY AG SETTLEMENT WITH DRAFT KINGS | II-25 |
| LANGONE v. PATRICK KAISER..... | II-33 |
| ATTORNEY GENERAL OPINIONS..... | II-41 |
| 2015 ILL. AG LEXIS 6 | II-45 |

III. MAJOR VENDORS: RIGHTS, RESPONSIBILITIES AND GOALS

Moderator: Brooke A. Beyer, Jr. – Charlotte, NC
Panelists: Susan Gray – San Antonio, TX
Bruce Kempton – Indianapolis, IN

| | |
|--|--------|
| RACE TIRES OF AMERICA vs. HOOSIER RACING TIRE CORP..... | III-1 |
| OPINION | III-1 |
| The Parties | III-1 |
| The Role of Sanctioning Bodies and the “Single Tire Rule” | III-2 |
| Single Tire Rules and Exclusive Agreements..... | III-3 |
| The Sprint Care Summit and Hoosier’s National Sprint Spec Tire | III-7 |
| The Alleged Costs and Benefits..... | III-8 |
| Procedural History | III-11 |
| Basic Principles of Antitrust Law | III-13 |
| Application of Legal Principles | III-15 |

| | |
|---|--------|
| The Denial of the Motion for Leave to Amend | III-21 |
| FOOTNOTES | III-22 |
| SPONSORSHIP AGREEMENT | III-25 |
| VP RACING FUELS – OFFICIAL FUEL SPONSORSHIP | III-27 |
| JOE’S SPEEDWAY SPONSORSHIP AGREEMENT | III-31 |

IV. TORTS AND RELEASES

Moderator: Cary J.C. Agajanian – Los Angeles, CA
Panelists: Roman Lifson – Richmond, VA
Dean Reed – Fort Wayne, IN

| | |
|---------------------------------------|-------|
| RACING LEGAL UPDATE | IV-1 |
| CRITICAL INCIDENTS AT THE TRACK | IV-13 |

V. SANCTIONING BODIES – WHAT ARE FIA, ACCUS, FIM, ETC.

Moderator: Wesley A. Zirkle – Zionsville, IN
Panelists: Kourtney A. Bigelow – Daytona Beach, FL
Tiffany J. Hemmer – Indianapolis, IN
Scott Schlink – Australia

| | |
|---|-----|
| ACCUS-FIA PANEL DISCUSSION | V-1 |
| GENERAL | V-1 |
| FIA | V-1 |
| ASN..... | V-1 |
| ACCUS-FIA | V-1 |
| CAMS-FIA | V-1 |
| OVERVIEW OF THE FEDERATION INTERNATIONALE de l’ | |
| AUTOMOBILE (FIA) | V-2 |
| Organization..... | V-2 |
| What is the FIA..... | V-2 |
| Dedicated to Performance..... | V-2 |
| Beyond the Passion..... | V-2 |
| In Safe Harbors | V-3 |
| OVERVIEW OF THE AUTOMOBILE COMPETITION COMMITTEE | |
| FOR THE UNITED STATES (ACCUS) – FIA..... | V-4 |
| History..... | V-4 |
| Principal Activities..... | V-4 |
| Benefits | V-4 |
| National Motorsports Council (NMC)..... | V-5 |
| OVERVIEW OF THE CONFEDERATION OF AUSTRALIAN MOTOR | |
| SPORT (CAMS) | V-6 |
| General..... | V-6 |
| Status..... | V-6 |

| | |
|---------------------------------|------|
| Delegation..... | V-6 |
| Sanctioning | V-7 |
| Disciplines and Categories..... | V-8 |
| Insurance..... | V-8 |
| Officials..... | V-9 |
| Participants..... | V-10 |
| Regulations | V-11 |
| Tracks..... | V-12 |
| Judicial | V-13 |
| POWER POINT PRESENTATION | V-15 |

VI. BUILDING LONG TERM VALUE IN MOTORSPORTS

Moderator: Artie C. Kalos – Charlotte, NC
Panelists: Tim Cindric – Mooresville, NC
Mark W. Merritt – Charlotte, NC
Mark J. Richards – Indianapolis, IN

| | |
|--|------|
| OUTLINE | VI-1 |
| NASCAR CUP SERIES – CHARTER MEMBER AGREEMENT | VI-3 |

VII. IP RIGHTS – GOING DIGITAL

Moderator: Nichelle N. Levy – Charlotte, NC
Panelists: Sarah Davis – Charlotte, NC
Matthew B. Efird – Charlotte, NC
Kevin Glidewell – Atlanta, GA

| | |
|--|-------|
| SCOPE NOTE | VII-1 |
| STATE OF PLAY..... | VII-1 |
| Types of Digital Platforms..... | VII-1 |
| Types of Content Utilized..... | VII-1 |
| Platform Usage Trends | VII-1 |
| COMPLIANCE..... | VII-2 |
| Privacy Regulations | VII-2 |
| Rules Imposed by Third Party Platform Terms and Conditions..... | VII-4 |
| Required Disclosures for Online Advertising & Social Media | VII-5 |
| Informing Users & Managing Risk via Terms of Use..... | VII-5 |
| PERSPECTIVES OF DIFFERENT CONSTITUENCIES ON USE/ PURPOSE OF DIGITAL CONTENT | VII-6 |
| Teams/Drivers..... | VII-6 |
| League Sanctioning Bodies..... | VII-6 |
| League Advertisers/Sponsors..... | VII-6 |
| IMPLICATIONS OF MORALS ISSUES | VII-6 |
| Athletes Direct Access to Media..... | VII-6 |

Internet is Forever VII-6
Digital Reputation Management VII-6

VIII. TRANSITION FROM THE COCKPIT TO THE NEXT STEP

Moderator: Lisa E. Davis – New York, NY
Panelists: Ryan G. Beadle – Mooresville, NC
Rusty Wallace – Charlotte, NC

OUTLINE VIII-1

IX. CREATING THE NEW AT-TRACK FAN EXPERIENCES–A LEGAL PERSPECTIVE

Moderator: Ben Odom – Daytona Beach, FL
Panelist: J. Douglas Boles – Indianapolis, IN

POWER POINT PRESENTATION IX-1

X. TAKING YOUR RACING TECHNOLOGY TO MARKET

Moderator: Zachary (Zach) H. Daniel – Indianapolis, IN
Panelists: Jim Foley – Huntersville, NC
Christopher J. Gegg – Charlotte, NC