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NASCAR Wins Summary Judgment in Antitrust Case

Frost Brown Todd client, NASCAR, won summary judgment in an antitrust case filed by Kentucky Speedway LLC. In mid-2005, Kentucky Speedway sued NASCAR and its sister company, International Speedway Corporation ("ISC"), over NASCAR's refusal to award Kentucky Speedway an event in NASCAR's most popular series, the NEXTEL Cup Series. Racetracks owned by ISC host about half of the races in the NEXTEL Cup Series. Kentucky Speedway alleged that NASCAR had illegally monopolized the "premium stock car racing" market and conspired with ISC and other race track operators to deprive Kentucky Speedway of a NEXTEL Cup race.

U.S. District Judge William Bertelsman granted summary judgment to NASCAR and ISC. He ruled that a "producer of a product" such as NASCAR racing "is free under current antitrust laws to select its distributors and to refuse to deal with would-be distributors, no matter how worthy or deserving they may be." He also ruled that the testimony of Kentucky Speedway's expert economists was inadmissible because they had failed to consider whether other forms of motorsports and other sports competed with the NASCAR NEXTEL Cup Series.

Kentucky Speedway's appeal is pending in the United States Court of Appeals for the Sixth Circuit.

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