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Filing date: **10/30/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205331
Party	Defendant Kerry Earnhardt, Inc.
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Submission	Defendant's Notice of Reliance
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Signature	/Jennifer Carusone/
Date	10/30/2014
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TERESA H. EARNHARDT,

Opposer,

v.

KERRY EARNHARDT, INC.,

Applicant.

Consolidated Opposition Nos.:
91205331 (parent) and 91205338

In the matter of:

Application Serial No. 85/383,910
Trademark: EARNHARDT COLLECTION
(Intl. Class 20)

Application Serial No. 85/391,456
Service Mark: EARNHARDT COLLECTION
(Intl. Class 37)

APPLICANT'S FIRST NOTICE OF RELIANCE

I. Printed Publications

Pursuant to 37 C.F.R. § 2.122(e), Applicant hereby makes of record in this proceeding the following printed publications:

1. "NASCAR'S 25 Most Influential," *Charlotte Observer*,
<http://www.thatsracin.com> (2011)

Relevance: The prominence and influence of Dale Earnhardt Jr. in the world of stock car racing (ranked #3 in 2011).

2. "Put Stock in NASCAR: Top 25 Most Influential," *Charlotte Observer*,
<http://www.thatsracin.com> (2013)

Relevance: The prominence and influence of Dale Earnhardt Jr. in the world of stock car racing (ranked #6 in 2011).

3. "France, Earnhardt Families Top NASCAR'S Most Powerful List," *Sports Business Daily*, <http://www.sportsbusinessdaily.com> (2007)

Relevance: The prominence and influence of Dale Earnhardt Jr. and Kelly Earnhardt Elledge (now Miller) in the world of NASCAR (together ranked No. 2 on 2007 list of NASCAR's most powerful figures).

4. "Dale Earnhardt Jr. Wins Popular Vote," *ESPN.com*, <http://espn.go.com> (2013)

Relevance: The popularity and fame of Dale Earnhardt Jr. among NASCAR fans (named NASCAR's most popular driver 11 years in a row).

5. "Poll: Lebron Voted Most Popular," *ESPN.com*, <http://espn.go.com> (2014)

Relevance: The popularity and fame of Dale Earnhardt Jr. (5th most popular male athlete in U.S., tied with Kobe Bryant, according to results of Harris Poll).

6. "The World's Highest-Paid Athletes," *Forbes*, <http://www.forbes.com> (2014)

Relevance: The marketing power and success of Dale Earnhardt Jr. (28th highest-paid athlete in the world, with estimated annual earnings of \$25.9 million (including \$14.9 million in endorsements)).

7. "Fans, NASCAR Won Along with Dale Earnhardt Jr. at Daytona 500," *Charlotte Observer*, <http://www.charlotteobserver.com> (2014)

Relevance: The popularity of Dale Earnhardt Jr.; the fact that the public refers to Dale Earnhardt Jr. as "Earnhardt" and his fans are known as "Earnhardt fans."

8. "Dale Earnhardt Incorporated No More," *Motorsport.com*, <http://www.motorsport.com> (2014)

Relevance: The fading commercial relevance of Dale Earnhardt and Dale Earnhardt Inc. (DEI).

9. "The Earnhardt Family Smash-up," *People*, <http://www.people.com> (2007)

Relevance: The rift between Teresa Earnhardt and Dale Earnhardt Jr., culminating in Dale Earnhardt Jr. leaving DEI.

10. “An Afternoon at Bob Timberlake Studio with René and Kerry Earnhardt,” *Outdoor Woman North Carolina* (May 2012).

Relevance: The fame and notoriety of Kerry and René Earnhardt and the public’s recognition of them as outdoor enthusiasts.

11. “Kerry’s Turn to Roar,” *Miami Herald*, 2004 WLNR 19397579 (April 25, 2004).

Relevance: The fame and notoriety of Kerry Earnhardt as a public racing figure and the public’s recognition of him as an outdoor enthusiast and family man.

12. “Biggest Story Is Earnhardt, Jr.’s Next Move,” *Washington Post*, 2007 WLNR 9942111 (May 27, 2007)

Relevance: The intense public interest in Dale Earnhardt Jr. and his public split with DEI and Teresa Earnhardt.

13. “Family Feud Has Earnhardt Fuming; Dale Jr. Warring with Stepmother,” *San Diego Union-Tribune*, 2007 WLNR 3769688 (February 25, 2007)

Relevance: The rift between Dale Earnhardt Jr. and Teresa Earnhardt over control of DEI.

14. “Sister Has Seat of Power as Earnhardt Drives On,” *New York Times*, 2007 WLNR 9058860 (May 13, 2007)

Relevance: The fame and notoriety of Kelley Earnhardt Elledge (now Miller).

15. “Earnhardt Wins the Storyline,” *Roanoke Times*, 2014 WL 29993313 (October 27, 2014)

Relevance: The continuing popularity and success of Dale Earnhardt Jr. and the media’s use of “Earnhardt” alone to refer to him.

16. “Family Strong in NASCAR’s Greatest Drivers,” *Charlotte Observer*, 1998 WLNR 2051897 (February 14, 1998)

Relevance: The fame and notoriety of Ralph Earnhardt (named one of NASCAR's 50 greatest drivers).

This 30th day of October, 2014.



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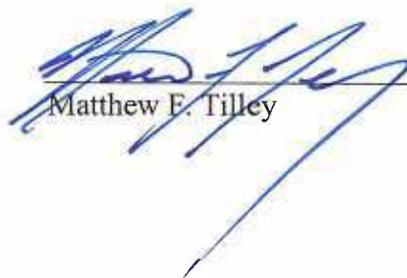
Attorneys for Applicant Kerry Earnhardt, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICANT'S FIRST NOTICE OF RELIANCE** has been served upon each of the parties to this action by depositing same in the United States mail, postage prepaid, in an envelope(s) addressed as follows:

Larry C. Jones
Bruce J. Rose
Carla H. Clements
Alston & Bird LLP
Bank of America Plaza
101 S. Tryon Street, Suite 4000
Charlotte, NC 28280-4000

This 30th day of October, 2014.


Matthew F. Tilley

PRINTED PUBLICATION NO. 1

html

ThatsRacin.com

NASCAR's 25 most influential THATSRACIN.COM OPINION

By Jim Utter - jutter@charlotteobserver.com

Friday, May. 27, 2011

Everyone in NASCAR wants it, from top executives to the drivers and crew chiefs.

But not every one has it.

The Observer unveils a twist on a popular favorite. Observer motorsports writer David Poole, who died in 2009, used to list the 25 most powerful people in NASCAR each May, when the circuit visited Charlotte Motor Speedway.

Starting this year, we'll list the 25 biggest influences on stock car racing. Many names remain the same. Some are new. All are debatable.

1. The economy

Nothing has a wider and more immediate effect on NASCAR. Higher unemployment means more fans with less money to spend on racing, and some with none at all.

A slow economy means a reduced presence by sponsors and less sponsorship money available for teams. High gas prices hurt the fans who travel to races by car.

Some tracks have lowered ticket prices, but unless the economy returns to its pre-2008 pace, NASCAR may never be the same.

2. The France family

NASCAR Chairman Brian France, Vice President Jim France and Lesa Kennedy, president of International Speedway Corp., continue to call the shots as far the rules of the sport and where the majority of the races are held.

3. Dale Earnhardt Jr.

He's mired in a two-year victory drought, but he still creates excitement and commands attention like no other. It hasn't hurt that he's much more competitive this season.

4. Race fans

Whether by participation in surveys, in online comments on stories, in posts on social media, or by their decisions whether to attend races in person or watch on television, fans have more say in the direction of NASCAR than ever.

5. Mike Helton

NASCAR's president is the most visible member of the sport's hierarchy most race weekends and has the most immediate control of competition.

6. Competition on the track

The quality of the competition on the track is what moves the needle. Right now, it's pretty stout.

7. TV networks

Networks' decisions on what NASCAR programming they air, and how they present it, brings the most vocal response from fans not at the track.

8. Social media

Whether it's Facebook or Twitter, fans are connecting to drivers, media and tracks more than ever before, sometimes with tough consequences for all.

9. Jimmie Johnson

With five consecutive Cup titles, he is becoming the public face of NASCAR and earning greater respect across all of sports.

10. Bruton Smith/Marcus Smith/SMI

Bruton Smith and his son, Marcus, and their Speedway Motorsports tracks have set the standard for fan amenities and media work areas.

11. Rick Hendrick

When it comes to a standard of excellence in NASCAR, he and his organization hover at the top.

12. Jack Roush

Roush has invested time and money in all of NASCAR's top series, with excellent results.

13. Richard Childress

The owner of the famed black No. 3 is still hunting championships and wildlife like never before.

14. Kyle Busch

He's breaking records left and right and could become one of the sport's biggest stars for a long time to come.

15. NASCAR Hall of Fame

The opening of the Hall has helped the city of Charlotte establish a bigger claim to being NASCAR's home.

16. Director of communications Brett Jewkes

He's been given the power to change NASCAR's relationship with the media for the better. Will he use it?

17. Manufacturers

They are gaining influence, particularly in having cars look more like what's on the showroom floor.

18. Trevor Bayne

One of the sport's best feel-good stories, but he has missed a month of action from a yet-to-be-diagnosed illness.

19. Danica Patrick

Like her or not, she garners lots of media and fan attention as a part-time participant.

20. No testing policy

The lack of testing has created a greater divide between the best and the worst teams and hampered the development of young drivers.

21. Jeff Gordon

The four-time Cup champion remains the mainstream media's spokesperson for NASCAR.

22. Tony Stewart

An outstanding driver and successful team owner in a variety of motorsports series. Simply put, he has clout.

23. Eddie Gossage

Gossage is a track promoter who is always innovative – even if he makes a misstep from time to time.

24. The weather

The one thing NASCAR can't control, and it has an uncanny ability to alter the dynamic of a race weekend.

25. Darrell Waltrip

Still a fan favorite in the TV booth and exerts growing influence on Fox's broadcasting decisions.

More racing news, blogs, photos and more at www.ThatsRacin.com.

PRINTED PUBLICATION NO. 2

html

ThatsRacin.com

Put stock in NASCAR: Top 25 most influential

The Observer unveils its third list of the 25 most influential people, places and things in NASCAR.

By Jim Utter - jutter@charlotteobserver.com

Thursday, May. 23, 2013

Influence.

Everyone in NASCAR wants it, from top executives to the drivers and crew chiefs and the fans. Not everyone has it, however.

The Observer unveils its third list of the 25 most influential people, places and things in NASCAR.

Some are new. Some have moved around. All are relevant.

The 2013 list (with last year's rank):

1 Generation 6 Sprint Cup Series car/competition (10)

The new model cars have put some of the "stock" back in stock-car racing and provided a much-needed jolt to the competition.

2 Economy (4)

Sponsorship remains difficult to come by, especially long-term deals, and NASCAR teams must do more with less. The cost of participation isn't getting cheaper.

3 Fans (1)

There is no professional sport where fans have as large an input in competition-related decisions as in NASCAR.

4 Twitter/Social media (2)

More and more social media is becoming the primary method drivers use to communicate with fans and how news is distributed and reported.

5 France family (3)

NASCAR chairman Brian France has taken the lead on several important issues of late, including the environment, the new model car and improved track drying equipment.

6 Dale Earnhardt Jr. (6)

Earnhardt remains without question NASCAR's most popular driver. He might not win as often, but he still moves the needle like no other.

7 Danica Patrick/ Ricky Stenhouse Jr. (5)

The media's fascination with Patrick combined with her romance with a fellow driver continues to dominate headlines.

8 Mike Helton (9)

When the president speaks, everybody in NASCAR listens.

9 TV networks (11)

Fox has extended its contract, but there remains uncertainty as to who some of the future NASCAR TV partners will be.

10 Sprint (25)

Within the past year, Sprint has taken over sponsorship of the season-opening non-points race (formerly Budweiser Shootout) and increased interactive opportunities for fans.

11 John Middlebrook (new)

The Chief Appellate Officer has reduced NASCAR penalties in five of the six appeals cases he has heard since being named to the position in 2010.

12 Bruton Smith/

Speedway Motorsports (7)

Smith's tracks remain some of the most fan-friendly for NASCAR fans.

13 Manufacturers (8)

Dodge pulled out of NASCAR, but the other three manufacturers enjoy the reaction to the new model Cup cars, which feature much greater manufacturer identity.

14 Brad Keselowski (new)

The reigning Cup series champion has never been shy about sharing his opinion and with a title he has a much larger pulpit.

15 Joe Gibbs Racing (new)

The addition of Matt Kenseth added to an already-stout lineup of drivers who so far have dominated the season.

16 Steve O'Donnell (new)

The senior vice president of racing operations seems to be taking a much more public role for NASCAR over the past year.

17 Jimmie Johnson (12)

He remains the most consistently strong driver in NASCAR.

18 Rick Hendrick (13)

Nobody wins more often in NASCAR these days.

19 NASCAR Hall of Fame (17)

The Hall has been an impressive host to the sport's history and legends.

20 Testing (new)

The good teams are getting even better with the relaxed testing rules.

21 Goodyear (23)

Making tires that are durable and fall off is providing big dividends in better racing.

22 JR Motorsports (new)

Earnhardt's race team has become a legitimate title contender in the Nationwide Series.

23 Roger Penske (new)

The iconic car owner is the new face of Ford Racing in NASCAR.

24 Drug testing policy (new)

Once thought by some as unnecessary, it still catches violators.

25 Track repaves (18)

Changes in track surfaces have the biggest effect on the quality of racing.

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SBD/Issue 169/Sports Industrialists

France, Earnhardt Families Top NASCAR's Most Powerful List

Published May 25, 2007

The CHARLOTTE OBSERVER unveiled its annual list of the most powerful people in NASCAR. NASCAR Chair & CEO and ISC Chair **BRIAN FRANCE** again tops the list, followed by **DALE EARNHARDT JR.** and JR Motorsports President **KELLEY EARNHARDT ELLEDGE** sharing the second spot, as the "search for a new ride ... for 2008 and beyond dominates the sport's attention these days." View the full list of 43 (*CHARLOTTE OBSERVER*, 5/24).

RANKFIGURE

- 1) NASCAR Chair & CEO and ISC Chair Brian France
- 2) Driver Dale Earnhardt Jr. and JR Motorsports President Kelley Earnhardt Elledge
- 3) NASCAR Exec VP and ISC CEO Jim France Jr. and NASCAR Vice Chair Bill France Jr.
- 4) Fox Sports TV Group Chair & CEO David Hill and Fox Sports President Ed Goren
- 5) ISC President Lesa France Kennedy
- 6) SMI Chair & CEO Bruton Smith
- 7) NASCAR President Mike Helton
- 8) ESPN/ABC Sports President George Bodenheimer
- 9) NASCAR VP/Corporate Marketing Jim O'Connell and NASCAR CMO Steve Phelps
- 10) Hendrick Motorsports Owner Rick Hendrick
- 11) NASCAR Senior VP Digital Entertainment & Broadcasting President Paul Brooks
- 12) NASCAR VP/Licensing Mark Dyer
- 13) Sprint Nextel Chair & CEO Gary Forsee and Sprint Nextel Dir of Nextel Cup Series Marketing Dean Kessel
- 14) NASCAR VP/Competition Robin Pemberton and NASCAR Nextel Cup Dir John Darby

- 15) Turner Sports President David Levy
- 16) NASCAR VP/Broadcasting & New Media Richard Glover
- 17) Richard Childress Racing Owner Richard Childress
- 18) Driver Jeff Gordon
- 19) Lowe's Motor Speedway President and SMI President & COO Humpy Wheeler
- 20) Charlotte-based attorney Stoke Caldwell

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PRINTED PUBLICATION NO. 4

Thursday, December 5, 2013

Dale Earnhardt Jr. wins popular vote

Associated Press

LAS VEGAS -- [Dale Earnhardt Jr.](#) set a record Thursday with his 11th consecutive win as NASCAR's most popular driver.

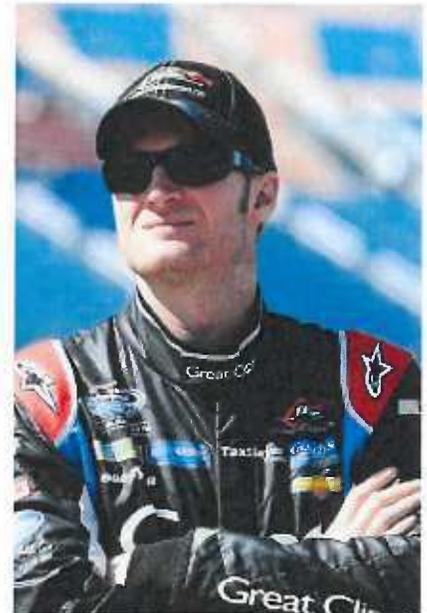
Earnhardt, who was presented with the NASCAR NMPA Most Popular Driver Award at the annual Myers Brothers luncheon, broke a tie with 16-time winner [Bill Elliott](#) for the most consecutive years as winner.

"I don't really keep track of the stats or the score, but Bill was a great driver and ambassador for the sport," Earnhardt said. "He represents the sport really well to this day, as does his son Chase, who's coming up and carrying on the family name. But, I've always looked up to Bill as a driver so it's pretty neat."

Earnhardt's run has required renovations at JR Motorsports, where his trophies are kept. Two trophy cases have either had to be rebuilt or installed to hold his first 10 trophies.

Earnhardt thanked his loyal fan base, which continuously votes him tops in the Sprint Cup Series. More than 1 million votes were cast for 39 drivers, and although fans could only vote once per day, Earnhardt still collected more than 700,000.

"It humbles me deeply to know that you have so many fans in your corner each race weekend," Earnhardt said. "There are a lot of motivating factors in life that drive our race team to be the best we can but none impact us more than the support of our race fans that they've shown over the years. We thank you for your devotion to NASCAR and we look forward to giving you a lot to be excited about in 2014."



Dale Earnhardt Jr. collected more than 700,000 votes to win the Most Popular Driver Award for the 11th time.

[Kasey Kahne](#) and [Jeff Gordon](#), Earnhardt's teammates at Hendrick Motorsports, finished second and third in voting. Fourth went to [Tony Stewart](#) and [Danica Patrick](#) was fifth.

Only 17 drivers have won the most popular driver award since its inception in 1956. Elliott removed his name from consideration following his 16th victory in 2002.

Earnhardt's streak began the next season.

"We always have such great support from our fans," Earnhardt said. "They always come through every year, and this year we feel like we were giving them a lot to cheer for on the race track and paying them back for all the years they've voted for us to win this award."

PRINTED PUBLICATION NO. 5

Thursday, July 17, 2014

Poll: LeBron voted most popular

By Darren Rovell
ESPN.com

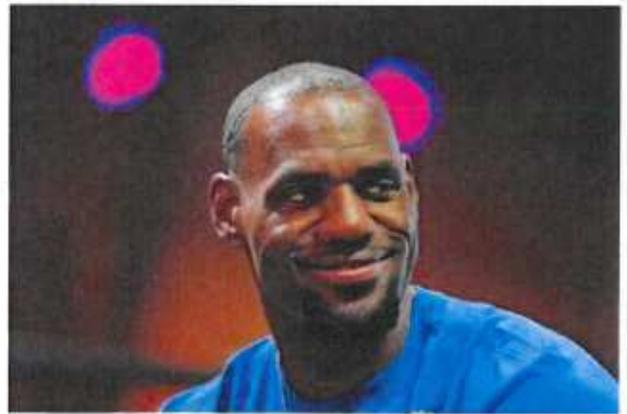
[LeBron James](#) is the most popular male athlete in America for the first time in his career.

So says a new Harris Poll, which surveyed what it says is a representative sample of 2,241 people in the U.S. last month.

James, whose highest ranking was No. 2 last season, topped retired [Chicago Bulls](#) star and [Charlotte Hornets](#) owner [Michael Jordan](#), who had the distinction of being No. 1 from 1993 through 2005.

It was a long road for James to get to the top. In 2011, the year after his "Decision" to go to Miami, James fell completely out of the top 10.

James was most popular among the 18-36 and 49-67 age demographics, while the poll reflected that Generation Xers (37-48) preferred Jordan.



LeBron James, who fell out of the top 10 in 2011 after choosing Miami over Cleveland, was voted most popular male athlete in the U.S. for the first time.

Rounding out the top 5 is retiring [New York Yankees](#) shortstop [Derek Jeter](#), [Denver Broncos](#) quarterback [Peyton Manning](#) and in a tie for fifth is [Los Angeles Lakers](#) guard [Kobe Bryant](#) and NASCAR driver [Dale Earnhardt Jr.](#)

Three of the top four most popular women are tennis players. The Williams sisters, [Serena](#) (No. 1) and [Venus](#) (No. 3), are joined at the top by [Maria Sharapova](#) (No. 4). Despite her inability to get into Victory Lane, [Danica Patrick](#) took the No. 2 spot, while retired soccer player Mia Hamm came in at No. 5.

The sport that has the most popular male athletes in the top 10 is, not surprisingly, football. After Manning at No. 4, [New England Patriots](#) quarterback [Tom Brady](#) is No. 7, [New Orleans Saints](#) quarterback [Drew Brees](#) is No. 9 and [Green Bay Packers](#) quarterback [Aaron Rodgers](#) snuck into the top 10 at No. 10.

The favorite male athlete list includes only one player who has retired (Jordan), but the women's list includes four athletes in the top 10 who have hung it up: Hamm, tennis greats Billy Jean King (tied for sixth) and Chris Evert (tied for eighth) and beach volleyball player Misty May-Treanor (No. 10).

Two male athletes dropped off the list from last year -- [Phil Mickelson](#) and Tim Tebow.

PRINTED PUBLICATION NO. 6



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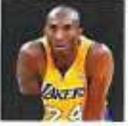
Overall

Youngest

Oldest

Women

Search by name

Rank	Name	Pay	Salary/Winnings	Endorsements	Sport
 #1	Floyd Mayweather	\$105 M	\$105 M	\$0	Boxing
 #2	Cristiano Ronaldo	\$80 M	\$52 M	\$28 M	Soccer
 #3	LeBron James	\$72.3 M	\$19.3 M	\$53 M	Basketball
 #4	Lionel Messi	\$64.7 M	\$41.7 M	\$23 M	Soccer
 #5	Kobe Bryant	\$61.5 M	\$30.5 M	\$31 M	Basketball
#6	Tiger Woods	\$61.2 M	\$6.2 M	\$55 M	Golf



#7

Roger Federer

\$56.2 M

\$4.2 M

\$52 M

Tennis



#8

Phil Mickelson

\$53.2 M

\$5.2 M

\$48 M

Golf



#9

Rafael Nadal

\$44.5 M

\$14.5 M

\$30 M

Tennis



#10

Matt Ryan

\$43.8 M

\$42 M

\$1.8 M

Football



#11

Manny Pacquiao

\$41.8 M

\$41 M

\$0.8 M

Boxing



#12

Zlatan Ibrahimovic

\$40.4 M

\$36.4 M

\$4 M

Soccer



#13

Derrick Rose

\$36.6 M

\$17.6 M

\$19 M

Basketball



#14

Gareth Bale

\$36.4 M

\$25.4 M

\$11 M

Soccer



#15

Radamel Falcao

\$35.4 M

\$32.4 M

\$3 M

Soccer

	#16	Neymar	\$33.6 M	\$17.6 M	\$16 M	Soccer
	#17	Novak Djokovic	\$33.1 M	\$12.1 M	\$21 M	Tennis
	#18	Matthew Stafford	\$33 M	\$31.5 M	\$1.5 M	Football
	#19	Lewis Hamilton	\$32 M	\$29 M	\$3 M	Racing
	#20	Kevin Durant	\$31.9 M	\$17.9 M	\$14 M	Basketball
	#21	Fernando Alonso	\$31 M	\$29 M	\$2 M	Racing
	#22	Mahendra Singh Dhoni	\$30 M	\$4 M	\$26 M	Cricket
	#23	Dwyane Wade	\$29.9 M	\$18.9 M	\$11 M	Basketball
	#24	Carmelo Anthony	\$29.4 M	\$21.4 M	\$8 M	Basketball
	#25	Wladimir Klitschko	\$28 M	\$24 M	\$4 M	Boxing



#26 Peyton Manning \$27.1 M \$15.1 M \$12 M Football



#27 Amar'e Stoudemire \$26.7 M \$21.7 M \$5 M Basketball



#28 Dale Earnhardt, Jr. \$25.9 M \$14.9 M \$11 M Racing



#29 Dwight Howard \$25.5 M \$20.5 M \$5 M Basketball



#30 Cliff Lee \$25.3 M \$25.1 M \$200 K Baseball



#31 Joe Mauer \$24.8 M \$23 M \$1.8 M Baseball



#32 Miguel Cabrera \$24.6 M \$22.6 M \$2 M Baseball



#33 Zack Greinke \$24.5 M \$24.4 M \$50 K Baseball



#34 Maria Sharapova \$24.4 M \$2.4 M \$22 M Tennis



#35 Derek Jeter

\$24.3 M

\$15.3 M

\$9 M

Baseball



#35 Rory McIlroy

\$24.3 M

\$4.3 M

\$20 M

Golf



#37 Chris Paul

\$24.2 M

\$18.7 M

\$5.5 M

Basketball



#37 CC Sabathia

\$24.2 M

\$23 M

\$1.2 M

Baseball



#39 Prince Fielder

\$23.9 M

\$23.5 M

\$400 K

Baseball



#40 Darrelle Revis

\$23.8 M

\$23 M

\$0.8 M

Football

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Inside The FORBES 400: Meet America's Wealthiest

The aggregate net worth of the richest 400 Americans was



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PRINTED PUBLICATION NO. 7

html

Printed from the Charlotte Observer - www.CharlotteObserver.com

Posted: Monday, Feb. 24, 2014

Fans, NASCAR won along with Dale Earnhardt Jr. at Daytona 500

By Tom Sorensen

PUBLISHED IN: TOM SORENSEN

DAYTONA BEACH, Fla. Dale Earnhardt Jr. did post-Daytona 500 interviews Monday until almost 3 a.m., and then he found his team. He also found that the spirits, as he calls them, had been drained.

Come on. The man won a fantastic Daytona 500. Somebody find him a cool spirit. Somebody did.

“We just sat around and talked about how cool it was, and punching each other in the shoulder until about 4, then I had to hang it up,” Earnhardt says .

Earnhardt didn't retire early as a concession to age – he turns 40 in October. It was a concession to his schedule. The race winner reports to Daytona USA Monday at about 8 a.m. He figured he needed an hour of sleep.

Talk to Earnhardt, crew chief Steve Letarte and team owner Rick Hendrick and you understand why fans showed up at the track before 8 a.m. Sunday, sat through a six-hour rain delay and stayed for a race that ended after 11 p.m.

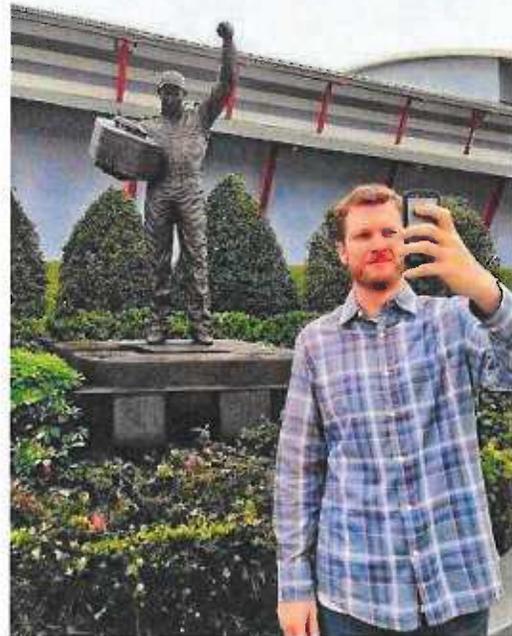
An Earnhardt victory is what many of them, as well as NASCAR, sought. Should the sport pretend it didn't? The most popular driver won the most popular race.

Something else to understand: Not a thing Earnhardt says Monday implies that he played anything more than a small part of it in the victory.

“He doesn't give himself enough credit,” Hendrick says.

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That is high praise.

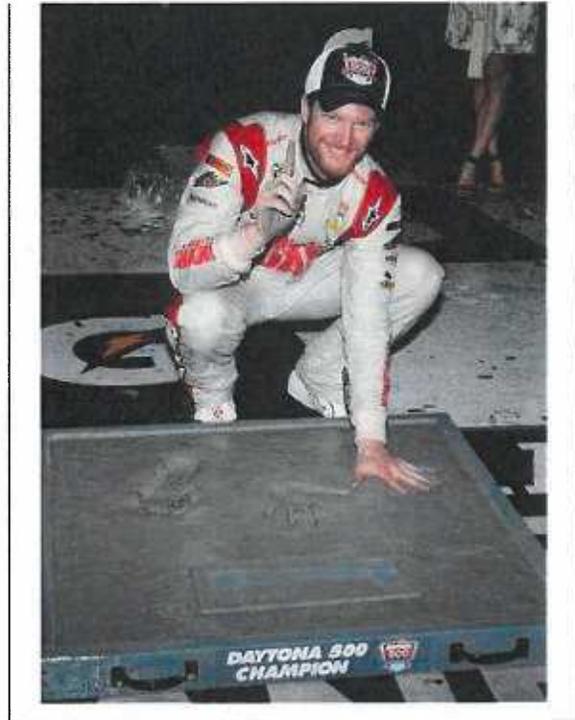
Earnhardt's team supplied a great car and great pit stops, Letarte called a great race and Earnhardt drove one. He says he didn't want to "snooker" the leaders. He wanted to be the leader.

He led 54 laps, 25 more than anybody else, got a huge boost from Jeff Gordon when he needed it and held off a field desperate to be where he was.

"They were like an orchestra," Hendrick says, talking about the fluidity and timing of the late-race Gordon-Earnhardt move

Earnhardt, who wears a checked shirt and jeans, says "The car was too good for me not to win this race."

Every time somebody gives Earnhardt an opportunity take credit, he blocks it the way he did Denny Hamlin on lap 200.



After the breakfast Monday, Earnhardt would talk briefly to fans, head to the airport, fly to New York and spend most of the day there. Monday night he would go to Bristol, Conn., and the offices of ESPN. Later, there would be a stop in Austin, Texas, and in Las Vegas, and then he'd catch up with his team in Phoenix, where they race Sunday.

He also has scheduled sleep. It will come in March.

"I look forward to talking about my team," Earnhardt says. "Talking about Steve (Letarte), and talking about the job they did, talking about the car they had. Just express my appreciation for everybody that had a hand in putting that car out there."

"We won a big race," he says. "We put a lot of effort into it. I'm going to make sure everybody hears about it."

During a lull a voice comes from the floor below, where fans gather.

"Earn-HARDTTTTTTTT!" a man yells.

The man knows Earnhardt can't see him. He also knows Earnhardt can hear him.

Says Hendrick: "I get six days that Earnhardt fans don't ask me, 'When are you going to win again?' So I've got a vacation to Phoenix. I'm excited."

Earnhardt says when he won Daytona in 2004 he was relieved.

He'd seen his father chase the race, winning seven championships but only one 500, at the age of 47. He talks about Darrell Waltrip, who also won only one, and Rusty Wallace and Mark Martin, great drivers who never won.

“Only” is the wrong word. “Only” doesn’t apply to the 500. How many victories are you supposed to have?

Yet one was never sufficient.

“It’s just like color TV, man,” Earnhardt says. “Once you watch color TV for the first time you don’t want to go back to black and white.”

For Earnhardt, it’s as if only Daytona is color.

“This place is just a fairy tale to a guy like me that really loves the sport and enjoys the history, and it all seems like it’s meant to be,” he says.

Earnhardt’s victory also was a fairy tale for his fans and his sport.

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NASCAR-CUP Commentary

Dale Earnhardt Incorporated no more

36,498 views



By: Covy Moore, Content manager, Motorsport.com

Posted: 2014-01-16

Did you realize DEI is no longer in Cup racing?

Dale Earnhardt Incorporated (DEI) will no longer be associated with a race team in any of the national ranks of NASCAR.

Last week, news quietly came forward that Chip Ganassi had dropped the Earnhardt name from his race team's moniker. This season, they will revert back to the old name of Chip Ganassi Racing with Felix Sabates.

DEI was started in 1984, as Earnhardt wanted to field a handful of Busch, now Nationwide, cars for himself. As his success grew with Richard Childress Racing, his own brand grew as well.

Following the 2001 death of Dale Earnhardt at the Daytona 500, his widow Teresa Earnhardt and son Dale Jr. continued to run the team with some success.



DEI teammates Dale Earnhardt Jr. and Martin Truex Jr.

Photo by: Bob Harmeyer

But in 2007, there was a power struggle that ended with the younger Earnhardt leaving the company and Teresa looking for financial backers.

She partnered the company with a real estate agent before merging with Chip Ganassi in 2009.

In the end, it would only last 5 years as the name has now been dropped from the CGR logos.

What happened exactly? There was very little in the way of news surrounding the development. Reports claim that Teresa never actually had any financial assets within the company, and that she was never a part of day-to-day operations.

"It's been an honor to have the Earnhardt name affiliated with our team," Chip Ganassi Racing President Steve Lauletta told the Sporting News Jan. 9.

"Dale and Teresa have done a tremendous amount for the sport. She was visionary enough with us to do this partnership in the first place. We felt like it was a benefit. ... The goal of becoming a better race team partnered together, we think we did that. That's a tribute to her wanting to do the right thing for her partners, her company and her employees. We have nothing but good things to say about the partnership."

I suppose the most interesting part of this is what has DEI actually been doing then for the past 5 years? I would assume the first couple years of the partnership saw some monetary exchange, but if that isn't happening anymore, where is the Earnhardt legacy going in the hands of Teresa Earnhardt?

Either way, the only Earnhardt on track now will be Dale Jr. at Hendrick Motorsports. Jeffrey Earnhardt has made some noise as he makes his way up the ranks, but gone are the days of the iconic E-legacy cars. There's always the return of the No. 3 car this year, but that a whole different discussion...

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May 28, 2007 Vol. 67 No. 21

The Earnhardt Family Smash-up

By Bill Hewitt

He Won't Drive Ma's Car in Nascar: Dale Earnhardt Jr. Quits the Team Run by His Stepmom, Dale Sr.'s Widow

Like 0

His dad, Dale Earnhardt Sr., had a well-deserved reputation at the racetrack for never hesitating to

trade paint—that is, deliver a high-speed bump—to anyone who got in his way. But as Dale Jr., the most popular driver on the NASCAR circuit, announced on May 10 that he was leaving the racing team founded by his late father who was killed in 2001—and is now run by his stepmother Teresa Earnhardt—he tried to take the high road. "She's a smart businesswoman and always tried to be fair," Junior told PEOPLE. Somehow, though, he couldn't entirely muffle the bluntness that was his dad's trademark. "[Our relationship] has never been that great," he says of Teresa. "We just made do."

The split sent a shudder through the race car world, given Dale Jr.'s status as NASCAR's premiere personality. "He's our Brad Pitt," says H.A. "Humpty" Wheeler, NASCAR legend and a longtime family friend. According to SPORTS ILLUSTRATED, Dale Jr. made \$25.7 million last year in endorsements, salary and winnings. All the same, in recent years Junior, 32, has had only middling success on the track—and he insisted his decision to become a free agent stemmed from a desire to get out from under his stepmother's control and work for a company with the technology necessary to be a more consistent winner.

In many ways the family feud has been simmering ever since Dale Jr. was a boy. From the start, Junior clashed with his father's new wife, Teresa. "They never got along," says Gary Hargett, one of Dale Sr.'s close friends. "They sent Junior to a military school. They said they couldn't control him, but it was because he didn't get along with Teresa."

But it was during those difficult years that a deep bond developed between Dale Jr. and his big sister Kelley. She recalls that when her brother was sent off to military school, she asked her parents a month later if she could join him. "He was so small, I didn't want him to be there alone," says Kelley, 34, who is married to Jimmy Elledge, the crew chief for another team. (She and Junior have a half brother, Kerry; Dale Sr. and Teresa also had a daughter, Taylor.) The bond has continued to this day, with Kelley establishing herself as her brother's closest confidante and business manager. Says Hargett: "Kelley is his backbone."

In a statement Teresa said she was "disappointed that Dale Jr. has chosen to leave the family business." She pledged that DEI (for Dale Earnhardt Inc.) would continue to thrive, though accomplishing that goal may not be so easy. (Teresa declined to comment for this article.) Without Jr., "It's almost as if they're starting from scratch," says Darrell Waltrip, TV analyst and former driver. Dale's supporters point out that while DEI is based in Mooresville, N.C., much of the time Teresa is an absentee owner and spends little time at the track. "As an owner, I would be more involved," says Junior, who wanted more control of the company.

So what would the notoriously cantankerous Dale Sr. have made of this nasty split? Probably nothing that would be printable. But Dale Jr. is confident that his father, who was single-minded in his devotion to success on the track, would give him a thumbs up. "He would understand my wanting to be where I could win," says Dale Jr.

Contributors: Michaelle Ballard/Charlotte.

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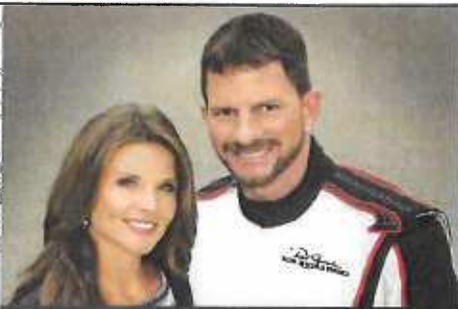
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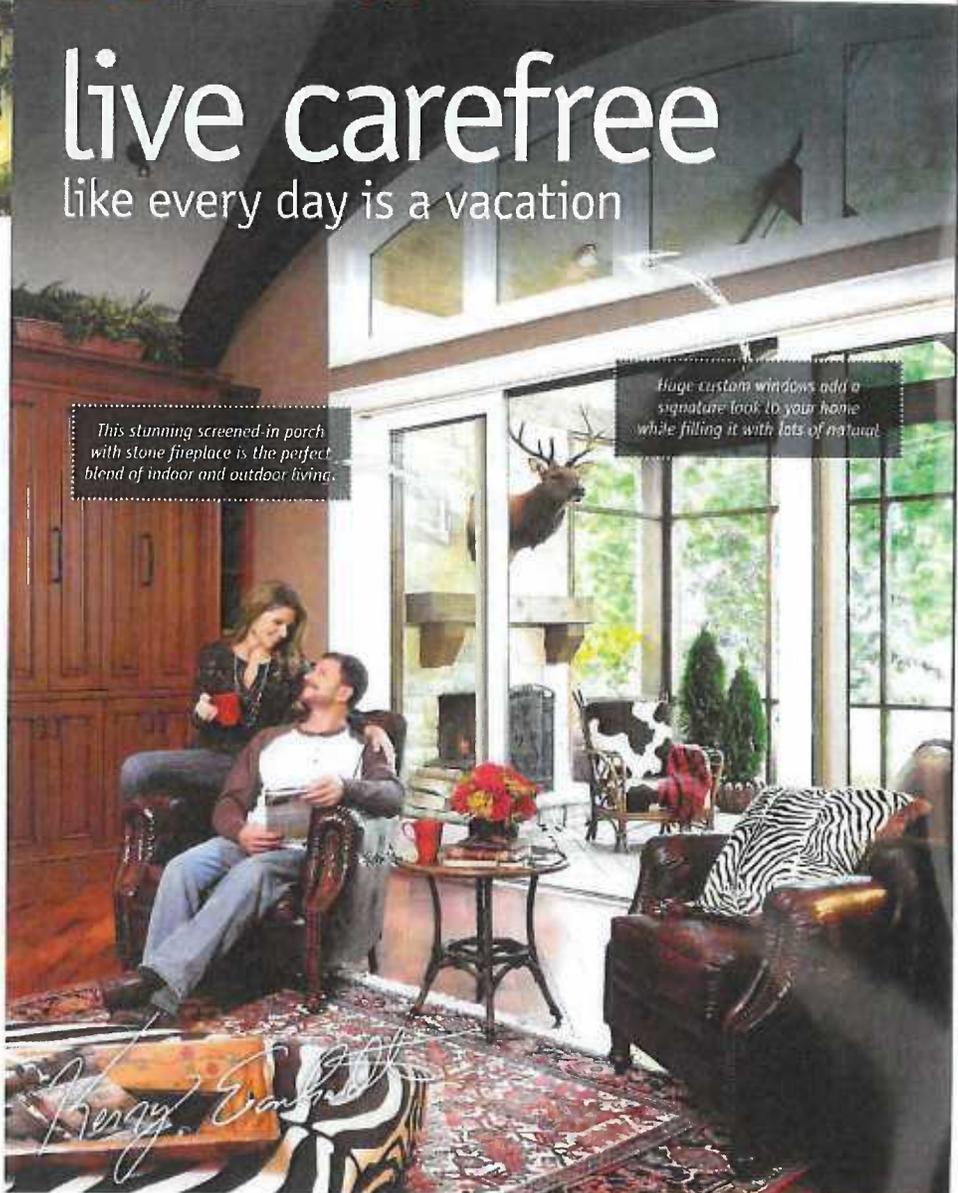
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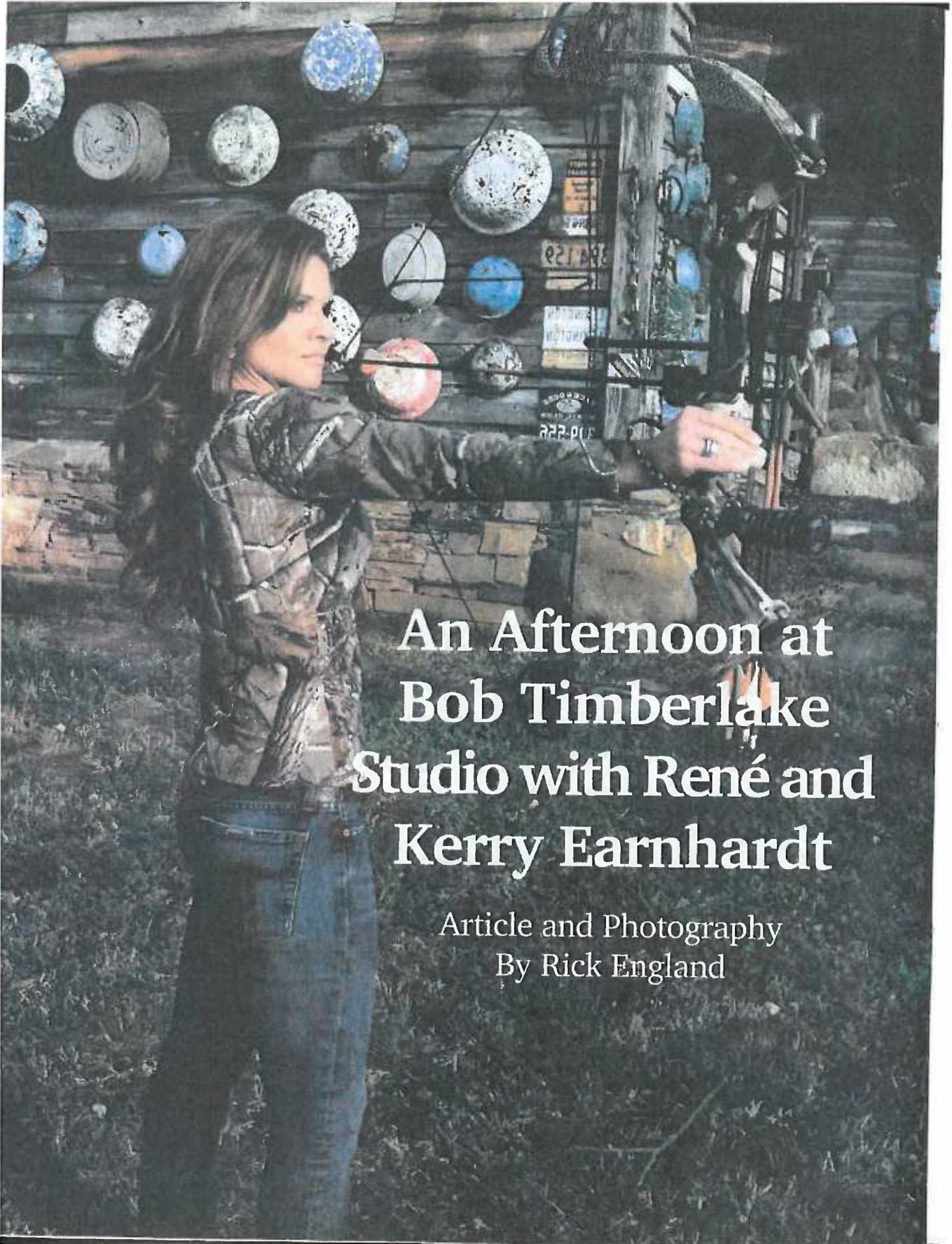


Kerry Earnhardt



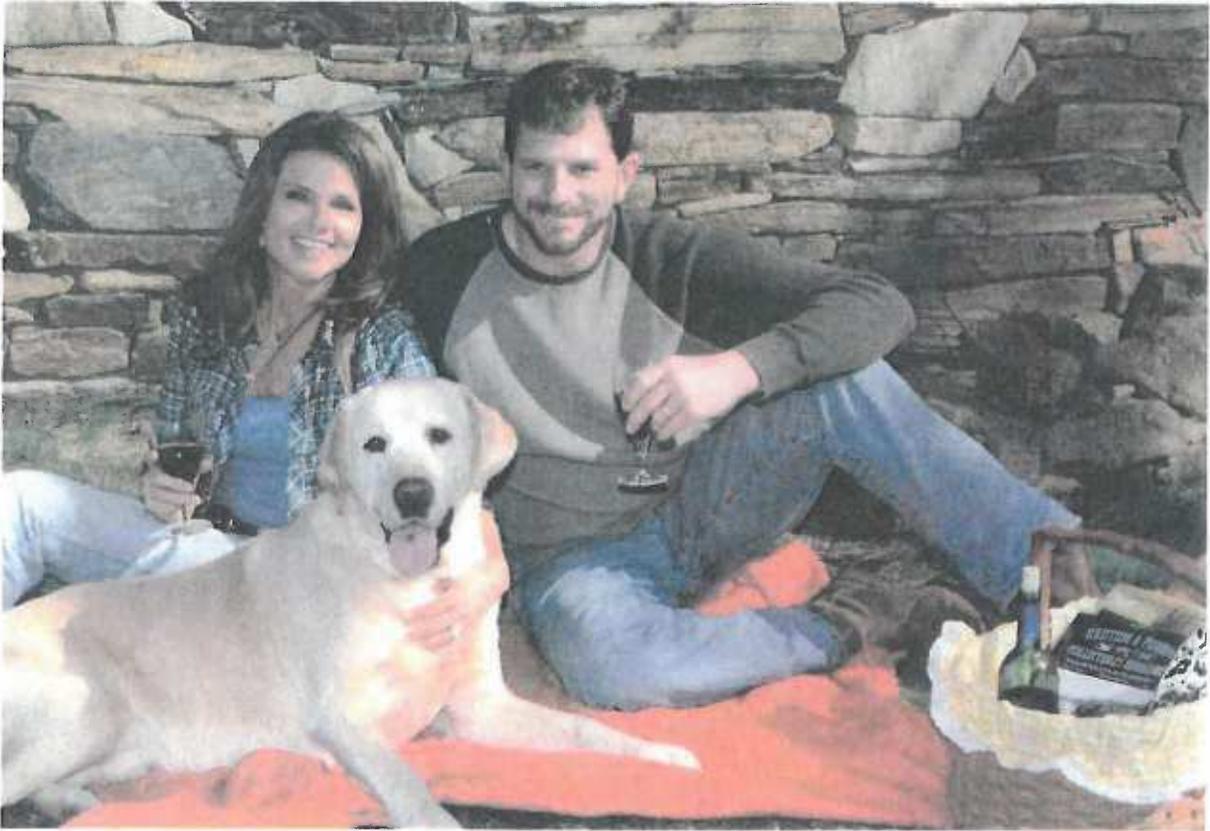
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An Afternoon at Bob Timberlake Studio with René and Kerry Earnhardt

Article and Photography
By Rick England



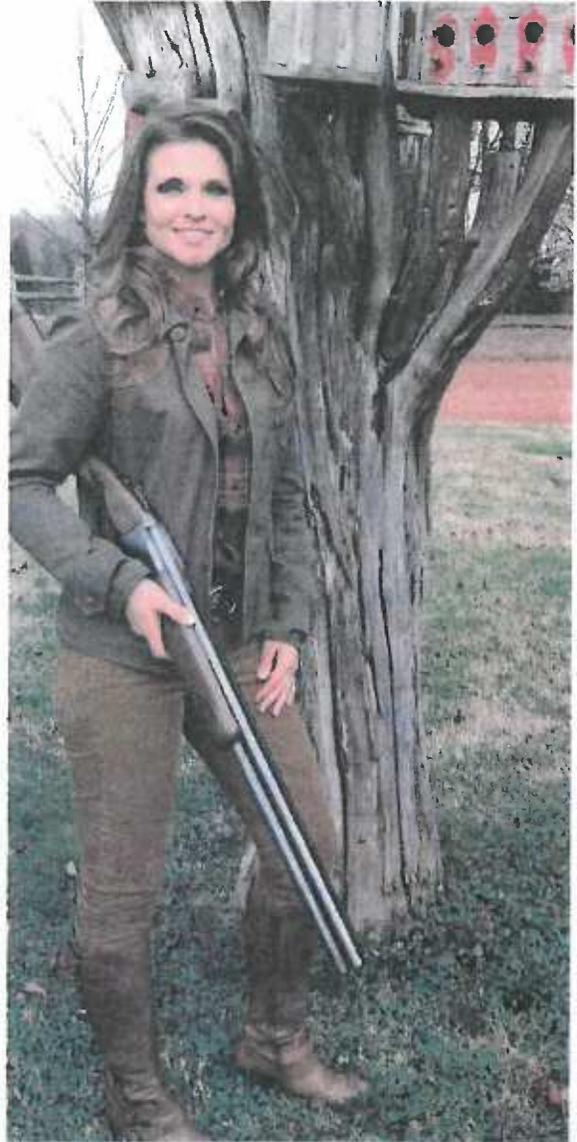
When the name "Earnhardt" is mentioned anywhere in North Carolina, most people's thoughts turn to stock car racing. While it is true that the Earnhardt family is one of the royal families of racing in the Tar Heel state, there is much more to them than just racing. Publisher Kristen Robeson and writer/photographer Rick England from Outdoor Woman Magazine recently spent the afternoon with Kerry Earnhardt (oldest son of legend Dale Earnhardt) and his wife René at Bob Timberlake's private studio. Here, we learned that René and Kerry have a multitude of interests besides racing.

At the private studio, Kerry and René kindly allowed us to share their afternoon of picnicking, shooting, fishing, and playing with the dogs visiting the studio. Timberlake Studio is an

amazing location, with many items he has collected over the years that have found their way into his magnificent paintings. It was very much like being inside one of his paintings. René and Kerry both looked quite at home as they visited the studio.

The Earnhardts are an outdoor family. Kerry has been hunting and fishing since he was a young child. He, along with his dad and brothers, learned at a very early age the thrill of the hunt, the satisfaction of eating what you took from the field, and the importance of proper gun handling and safety. All these things and more Kerry has taught René, and later, their children. René and Kerry take advantage of every opportunity to take their family into the outdoors, whether it is for hunting, fishing, hiking, kayaking, or camping.

René, an avid outdoor person herself, has
(cont. on page 42)



grown to love the shooting sports. She has been participating in sporting clay shooting for the last six years, and looks comfortable with a shotgun in her hands. In the last two years, she has taken an interest in archery. René draws back the string on her compound bow with the skill and ease of a professional. This is how she approaches everything that interests her. With that in mind, she has become an accomplished marksperson with a pistol. "I like to feel that I can defend myself," she says with justifiable pride.

René and Kerry do not like wasting game. "I really like to make use of everything that we hunt," René said. René often travels with Kerry on his hunts around the country, but her participation is limited to companionship. While she respects hunting and realizes that hunting is good for the

game animals by thinning the herd to sustainable levels, she prefers to leave hunting to Kerry and their two sons. When they hunt away from home, it is very difficult to ship the meat home. Rather than waste it, they donate most of the game they take to food pantries, homeless shelters, or other charities. Kerry said that when he and René were in Texas on a hunt not long ago, he gave a mule



deer to a local rancher. There was a large population of wolves in the vicinity of the ranch, and he had lost about 80 head of beef cattle to them. Kerry gave the mule deer to the rancher and his wife so they could have food on their table.

René has a passion for animals. "All of our animals are rescued. I'm really big with working with rescue groups and their animals. That's very near and dear to my heart." This passion showed while playing with a pair of dogs brought to the studio by Matt James, a professional dog trainer and friend of Bob Timberlake. The dogs, trained by Matt, were very friendly and obedient. René enjoyed the time she spent with the dogs. Her love for animals shone through in her interaction with them.

According to René, Kerry is the natural-born fisherman in the family. She says he can walk around a pond, rod and reel in hand, 'read'

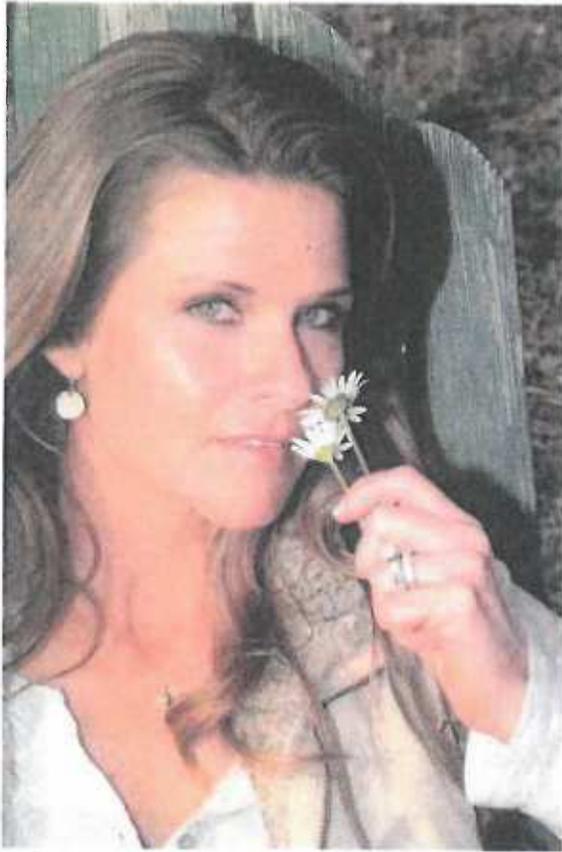
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A pair of cowboy boots with intricate designs. The boots are dark brown with colorful patterns, including a large floral design on the side and a smaller one on the toe. The boots are displayed against a dark background with a warm, glowing light source behind them.

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(cont. from page 43)

the pond, and begin reeling in fish. She and Kerry had a chance to do a little fishing while at the studio, but the fish just weren't biting that day. Biting or not, Kerry and René had a wonderful time on the banks of the little pond. René mentioned that she would like to take up fly fishing some day.

Recently, Kerry and René began a relationship with Schumacher Homes, a nationally-known custom home builder. Together with the talent at Schumacher Homes, Kerry and René created the Earnhardt Collection. "I'm really fortunate to have the opportunity to have a voice," René said about the collection of highly customizable homes. "It was a very intimate thing for Kerry and I. We have 22 custom home designs that are called the Earnhardt Collection, and each one has a little story about our past." To learn more about the Earnhardt Collection and Schumacher Homes, visit

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At the end of a long and enjoyable day, René and Kerry are exhausted. With so many activities available to them at beautiful Timberlake Studio, it's no wonder. René and Kerry are an attractive young couple, enjoying life away from the race track. Kerry has retired from racing and has since filled his time with other interests. He will be hosting a hunting program that will premiere soon on the Sportsman Channel. The show will take Kerry and his viewers on hunts all across the country.



Race fans tend to think that the drivers and their families live only for racing. For racing royalty like the Earnhardt family, time involved in the sport is critically important. However, racing is not the only thing they are passionate about. This is true for Kerry, and especially so for René. Between shooting, hunting with Kerry,

archery, fishing, her pets, and work with Schumacher Homes - not to mention taking care of her family - René has a full schedule. The Earnhardt family truly is a royal family, and in many more respects than racing.



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April 25, 2004

Section: Sports

KERRY'S TURN TO ROAR

CAMMY CLARK, cclark@herald.com

TALLADEGA, Ala.

Beneath the famous bushy mustache of Dale Earnhardt, a megawatt smile beamed during a Victory Lane celebration at Pocono Raceway.

Pure pride and joy.

It was the eve of Father's Day 2000, and his eldest son, Kerry, had just won his first race at age 30, after coming up short for seven years and more than 100 races on mostly short tracks in North Carolina.

That ARCA 200 victory may as well have been the Daytona 500 to the racing legend, whose smile that day is Kerry's favorite memory of his late father.

"It was pretty awesome to know I had done something that Dad really approved of," Kerry said.

After the victory, the seven-time Winston Cup champion began plans with his team owner and good friend Richard Childress to put Kerry in good equipment with a top-notch crew. Earnhardt wanted Kerry to get the same type of quality ride his younger son and namesake, Dale Jr., had with the Budweiser sponsored team of Dale Earnhardt Inc.

But those plans ended just months later when Earnhardt died in a wreck at the 2001 Daytona 500.

COMING BACK

It took three years, but Childress was able to resurrect the plans with a seven-race deal for Kerry to drive the black No. 33 Chevy. The deal came together with the backing of another of the late Earnhardt's good friends, Johnny Morris, owner of the outdoor stores empire, Bass Pro Shops.

The first race is today's Aaron's 499 at Talladega Superspeedway.

How fitting.

The 2.66-mile track was once nicknamed ``Daleadega" for Earnhardt's domination with a record 10 victories. Since his death, the fans have overwhelmingly rooted for Dale Jr., who set a record of his own with four consecutive wins.

Longtime Earnhardt fan, John McBrayer, who has a bus called ``The Shrine" that's painted half black for Dale Sr. and half red for Dale Jr. and always parked at turn 4, said plenty of fans will root for Earnhardt's eldest son.

Morris agreed: ``I think when that 33 car pulls out on the track at Talladega, there will be more than a few cheers for Kerry. They'll know who's driving that car."

Morris choked back tears when he tried to describe what it would be like to have Kerry, the spitting image of his father, compete in a Cup race at Talladega.

``I think Dale's smiling about it, and I know Richard is," Morris said. ``So I don't know how to say it - it's special, and heck it's fun and great."

Childress said it will be emotional to have an Earnhardt drive for him again. Especially an Earnhardt who has the same lanky body, angular face and bushy mustache, as well as the same subdued drawl, mischievous sense of humor and love of the outdoors.

``This was a good opportunity for both of us to do something we knew Dale wanted to do," Childress said.

A FRIENDSHIP

Morris got to know Kerry the past two years during outdoor excursions, the same type of hunting and fishing trips he took with Kerry's father. The two hit it off.

Morris laughed telling the tale of Kerry's son Bobby doing his best to hold a 60-pound amberjack for a picture, but the amberjack was not cooperating. The fish was kicking fiercely and whacking Bobby's face so hard it nearly knocked him out of the boat and into the waters off the coast of South Florida.

``That fish beat Bobby up," Morris said. ``But like you'd expect from an Earnhardt, he didn't let go."

In his father's honor, Kerry's car will have the same slanted style 3, only it will be double 3.

Kerry qualified 36th Friday, one spot ahead of 2002 Cup champion Tony Stewart for the 43-car field. The last time he tried to qualify for a Cup race at Talladega, rain washed out his chance in 2002.

``Maybe that was a blessing in disguise," Kerry said Thursday during the grand announcement of a new Bass Pro Shop in nearby Leeds. ``You never know, but every time we went somewhere it rained. Now we're with a great organization with RCR. And I don't have to worry about no rain. I think the weather is going to be great this weekend. So maybe somebody is helping me out."

Kerry looked up at the sunny blue sky and smiled.

Kerry's wife, Rene, said her husband is one of the most positive people she has ever met - even after he was fired midseason last July by his Busch Series team, FitzBradshaw Racing, and replaced by unheralded driver Tim Fedewa.

``If it was going to happen, it happened at a good time," Rene said.

She was in her last trimester of pregnancy and Kerry was able to witness the birth of his first daughter, Kayla, whom he named.

FAMILY MAN

Family has always been the priority of Kerry, who has one more thing in common with his dad. Both had their first kid while they were a teenager.

Earnhardt was 18 when Kerry was born. He was racing at dirt tracks and just getting by. Soon the marriage ended in divorce. Earnhardt was so poor he couldn't afford child support and let his ex-wife's new husband adopt Kerry.

Kerry is not one bit bitter. His own first son Bobby was born when he was just 18, too, and he had another son Jeffrey by the time he was 21. Kerry also got divorced young, but in contrast to his father, he elected to put racing on the backburner and get a steady job at a textile mill to support his boys.

He worked the graveyard shift in the slash room, where he took yarn and ran it through a solvent to make it stiff for weaving. He later took a job in his dad's Chevy dealership.

But all the while, the hope of full-time racing was on his mind. It went from the backburner to the frontburner when he married Rene in 1999. She had a child of her own and provided the stable family life for his two boys.

"It's easier for me to be able to go and not worry about them, knowing they've got whatever they need," Kerry said.

In addition to his first win at Pocono, Kerry won three more ARCA races and has raced in 65 Busch Series events since 1998, but with just two top fives and no victories while earning a reputation for crashing. In his only Cup race, at Michigan in 2000, he crashed in the first few

laps.

"I think Kerry is a lot better driver than what he's been presented with," Childress said. "I think if we can give him the equipment, I think we can help him get a ride if we don't have a place for him [fulltime]."

NO ENVY

Kerry said he also does not have one ounce of bitterness toward his half brother Dale Jr., who has become the overwhelmingly most popular driver in NASCAR and is the current Cup points leader with national TV commercials. "I'm so proud of him," Kerry

said.

Dale Jr. said he's thrilled to get the chance to race against his brother again, adding, "All he wants to do is race full time, whether it's in Busch, Truck or Cup. He just wants to race for a living. He's got to make the best of this opportunity. He's got to really be smart."

Kerry said Dale Jr. hasn't shared any of his restrictor-plate racing secrets with him. Dale Jr. laughed and said, "He hasn't asked."

THE BIG TRACKS

Kerry will also race at Charlotte twice, Atlanta, Michigan, Daytona and Talladega's fall event in the No. 33 Chevy.

Rene said her husband has put a lot of pressure on himself to do well, but doesn't look like this is his last chance. He looks at it as another step in his struggling but rewarding journey.

"I don't think he ever compares his life or racing career with Dale Jr. at all, or his father for that matter," Rene said. "He just wants to make his own path and see where it takes him."

* Born: Dec. 8, 1969, Kannapolis, N.C.

* Family: Son of seven-time Winston Cup champion Dale Earnhardt and half brother of current points Cup leader Dale Earnhardt Jr. He has a wife Rene, three children (Bobby, Jeffrey and Kayla) and a stepchild Blade.

* Career highlights: He won four ARCA races in 2000 and 2001. He has competed in 65 Busch Series races with two top 5 finishes and five top 10 finishes.

---- Index References ----

Company: FRIENDSHIP; DALE EARNHARDT INC; BUDWEISER; BASS PRO SHOPS INC; UNION DE L'ARC ATLANTIQUE

News Subject: (Parents & Parenting (1PA25); Health & Family (1HE30))

Industry: (Entertainment (1EN08); Sports (1SP75); Gen Y Entertainment (1GE14); Auto Racing (1AU97); Gen Y TV (1GE33))

Region: (North Carolina (1NO26); USA (1US73); Americas (1AM92); Michigan (1MI45); Florida (1FL79); North America (1NO39))

Language: EN

Other Indexing: (ARCA; BASS PRO SHOP; BASS PRO SHOPS; BOBBY; BUDWEISER; BUSCH; DALE EARNHARDT; DALE EARNHARDT INC; EARNHARDT; ENVY; FRIENDSHIP; KERRY; LONGTIME EARNHARDT; TRUCK; TV; VICTORY LANE) (Beneath; Childress; Cup; Dale; Dale Jr.; FitzBradshaw Racing; Jeffrey; John McBrayer; Johnny Morris; Jr.; Kayla; Kerry; Morris; Rene; Richard; Richard Childress; Tim Fedewa; Winston Cup)

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Biggest Story is Earnhardt, Jr.'s Next Move

Liz Clarke

CONCORD, N.C. _ Their parents divorced when they were 2 and 4. At 6 and 8, their mother's house burned down, so they went to live with their father -- a man they hadn't spent much time with. And because he traveled so much, raising hell as the latest hard-charger to storm into NASCAR's top ranks, they were handed off to relatives and nannies much of their childhood.

They made a pact back then to look out for each other, though the big sister would do most of the ``looking out" for her younger brother, who was always little for his age -- reminding him to do his chores and making sure he had his lunch money.

Three decades later, Kelley Earnhardt Elledge and Dale Earnhardt Jr. are still taking care of each other. Only now, all of NASCAR is watching as they negotiate what's sure to be the biggest contract in the sport's history. NASCAR may be preparing for one of the most important races of the year -- Sunday's Coca-Cola 600 -- but there is no bigger story in motorsports just now than Earnhardt Jr.'s next move.

Since NASCAR's most popular and marketable driver announced May 10 that he was leaving the team founded by his late father, merchandisers and licensees have been clamoring for a decision, eager to start producing the full array of Dale Jr.-branded T-shirts, caps, die-cast cars and souvenirs for next season. The media horde has swarmed over the prospect of breaking the news of his signing. And fellow racers, young and old, have complimented their handling of a delicate family split and, in several cases, assured them their father would have been proud.

Earnhardt Jr., 32, represents NASCAR's past, present and future: the link to its most compelling figure, his seven-time champion father, and its best hope to reach the cross-over audience it covets. Though he has yet to win a championship, the mania over Earnhardt Jr. is so intense that you could attend a NASCAR race blindfolded and still know the moment his No. 8 Chevrolet makes a pass for the lead. The infield erupts with thunderous cheers, and the grandstands rattle furiously as thousands of red-shirted devotees leap to their feet.

Elledge, 34, said she has visited ``six or seven" race teams, with her brother joining her on a few of those visits. They have talked to potential team owners, and she has gotten phone calls from business people who aren't currently in the sport but would jump in if they could sign her brother. Their first choice is to sign with a front-running Chevrolet team. With Hendrick Motorsports out of the mix, already at NASCAR's ceiling of four teams, that leaves a handful of contenders -- most notably, Richard Childress Racing (with whom their father won six of his seven championships) and Joe Gibbs Racing.

Many fans yearn for him to sign with Childress and resurrect his father's famous No. 3. But his break with DEI (as his current team is called) has also captivated mainstream sports fans who are curious about a storyline that has pitted a young man with promise against a domineering stepmother, set against a backdrop of money, power and a massive media glare.

"It wasn't a personal decision at all," Elledge said in a telephone interview this week. "It was the running of the business: Where we felt DEI needed to be positioned and just how they were doing business."

Teresa Earnhardt's spokesman did not respond to multiple requests for an interview with the late champion's widow, who has run DEI since his death on the last lap of the 2001 Daytona 500. Her stepchildren have said they wish her well. But she has been cast as the villain in the minds of many fans, who fault her for not reaching a compromise with her stepson, who demanded a controlling interest in the race team in order to extend his contract, which expires at season's end.

After talks got off to a bad start, Teresa hired a respected entertainment lawyer to represent her in negotiations. While Max Siegel made considerable progress on DEI's behalf, Elledge said, it was too little, too late.

"I think if Max had been there six or nine months before, we probably wouldn't be in the boat we're in," Elledge said.

Without Dale Jr., Teresa Earnhardt faces a formidable task in reclaiming DEI's spot among the top rungs of NASCAR's pecking order.

She lost a major corporate sponsor when NAPA Auto Parts followed Michael Waltrip out the door in 2005. Most expect that Dale Jr.'s sponsor, Budweiser, will follow him.

Not long ago Forbes magazine estimated DEI's value at \$57-60 million and projected its value would drop 50 percent if its star driver left. Driver Tony Stewart has quipped that without Dale Jr., DEI would be reduced to a museum.

Still, Teresa Earnhardt has faced difficult challenges before.

With a community college degree in interior design, she shrewdly developed and marketed her husband's "Intimidator" persona after they married in 1982. She read and approved every contract he signed. And when he died, he bequeathed her 100 percent of Dale Earnhardt Inc., according to his will, which is filed in Iredell County's Superior Court. He also left her the rights to his name and "Intimidator" persona, his Chevrolet dealership, all household possessions, numerous boats and vehicles and his seats on the New York and Amex stock exchanges. A separate trust of undisclosed value was set up for other family members.

But DEI has struggled under Teresa's stewardship. A swap of crew chiefs and cars between Earnhardt Jr. and Waltrip proved disastrous in 2005. Business associates complain privately about the company's lumbering pace of decision-making. And Dale Jr. has gone more than a year without winning a race.

Together, he and his sister plan to turn his fortunes around.

"At the end of the day, all fans want is to see him win," Elledge said. "The decision to try to put wins in his win-column is what they want. I don't think they care who it's with. At the end of the day, if he's crossing the finish line with the checkered flag in his hand, he could be driving for (the cartoon character) Lightning McQueen."

Even if fans had jeered him, and veteran racers had labeled him a traitor, Earnhardt Jr. says he still would have made the same decision. That's how strongly he felt. But the outpouring of support from fans in the days since has helped him sleep at night, he says, as he and his sister, who serves as his business manager, evaluate the options ahead.

"I made the decision because that's what I wanted to do, and it's what I feel is best for me," Earnhardt Jr. told reporters last week. "But it does ease your mind a little bit when somebody tells you you've made the right decision, and they're behind you."

Said Elledge: "The peace of mind, just to begin with, is knowing that it's all going to be OK. There was a lot of concern about what the fans were going to think. But they've said, 'Regardless of who you drive for, we're going to support you.'"

--- Index References ---

Company: NATIONAL ASSOCIATION STK CAR AUTO RACING; DALE EARNHARDT INC; BUDWEISER; DESIGNED ENCLOSURES INC; COCA COLA ENTERPRISES INC

Industry: (Entertainment (1EN08); Sports (1SP75); Auto Racing (1AU97))

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Other Indexing: (BUDWEISER; CHEVROLET; COCA COLA; DALE EARNHARDT INC; DEI; MAX; NASCAR; SUPERIOR COURT) (Childress; Dale Earnhardt Jr.; Dale Jr.; Earnhardt; Earnhardt Jr.; Elledge; Joe Gibbs Racing; Jr.; Michael Waltrip; Richard Childress; Teresa; Teresa Earnhardt; Tony Stewart; Waltrip)

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February 25, 2007

Section: SPORTS

Family feud has Earnhardt fuming
Dale Jr. warring with stepmother

Bill Center, STAFF WRITER

FONTANA -- It was during a recent roundtable discussion that Jimmie Johnson, Jeff Gordon and Dale Earnhardt Jr. were posed a community question.

Who is the most popular driver in NASCAR?

Four-time Nextel Cup champ Gordon looked at teammate and reigning NASCAR champ Johnson and said: "Is he serious?"

Earnhardt simply broke into his Cheshire cat grin.

Earnhardt knows.

He is the Chosen One. NASCAR's franchise player. The handsome, personable and talented heir to the throne of an icon.

Only Earnhardt owns no share of his empire -- a fact that could develop into one of NASCAR's top stories this season.

In the days leading up to the Daytona 500, Earnhardt went on the record saying he wants majority ownership and operational control of Dale Earnhardt Inc. -- the team founded by his late father in 1996.

Currently, the team is owned and controlled by Teresa Earnhardt, the widow of the seven-time champion. Dale Jr. received no ownership interest in DEI at the time of his father's death in the 2001 Daytona 500.

In today's Auto Club 500 at California Speedway, Earnhardt Jr. is merely an employee of his stepmother.

But recently, the 32-year-old driver has been flexing his considerable clout in racing. And NASCAR knows enough about science to know that the answer to the DEI / Dale Earnhardt Jr. equation is zero.

Dale Jr.'s contract with his father's team expires at the end of this season. He is threatening to jump unless his stepmother turns over control of DEI to him.

"My father's been gone for six years now," Dale Jr. said before the Daytona 500. "So I want majority ownership."

And Dale Jr. knows how much clout he has in the NASCAR family.

"You don't like public opinion or media opinion to sway your decisions," Junior said recently.

"But in this case, I have a real bad habit about being way too modest about my position in the sport. A lot of people have helped me understand what I'm actually worth . what the situation really is."

The situation is that relations between Dale Jr. and Teresa have never been warm and cozy. Admittedly, relations between father and son were also strained at times.

Last month, Earnhardt said his relationship with Teresa "wasn't a bed of roses . very strict and in-your-face."

Still, Teresa Earnhardt has held control of Dale Jr.'s career to the point that Dale Jr. didn't even gain marketing rights to his name until last season -- his seventh on the Nextel Cup tour.

One way or another, that control is coming to an end. And should Dale Jr. elect to become a free agent, there will be plenty of suitors.

Most notable is his father's old boss, Richard Childress -- who is rumored to be ready to unretire the No. 3 and turn it over to Dale Jr.

That, however, does not seem to be the direction Dale Jr. seeks. He wants control of his father's team. He views his stepmother, who spends far more time on her 150-foot yacht than near tracks, as an absentee owner.

Dale Jr. would like to run the team with the help of Kelley Earnhardt-Elledge, his sister and key business adviser.

The quiet struggle between the Earnhardts became public earlier this year when Teresa said it was time for Dale Jr. to pick between "being a driver or a public personality."

Not only did the comment anger Dale Jr., it created a band of supporters-- including Gordon and owner/driver Kevin Harvick -- for the driver from inside his peer group.

The rift between the Earnhardts became public at a time when Dale Jr. believed his stepmother had actually signed a capable leader in Max Siegel.

"Max is a great guy and very capable," said Earnhardt. "He brings a lot of integrity and credibility to wherever he's at. I really like the team and how things are going. But the main factor is the ownership part."

Earnhardt has won 17 races under the DEI banner, but is still looking for his first Nextel Cup victory on the two-mile California Speedway oval. He finished second to Kasey Kahne here last September.

--- **Index References** ---

Company: DALE EARNHARDT INC

Industry: (Passenger Transportation (1PA35); Automobiles (1AU45); Land Transportation (1LA43); Speedway (1SP26); Transportation (1TR48); Automotive Models (1AU61); Telecom (1TE27); Telecom Carriers & Operators (1TE56); Automotive (1AU29); Sports (1SP75); Auto Racing (1AU97); Entertainment (1EN08))

Region: (North America (1NO39); U.S. Southeast Region (1SO88); Americas (1AM92); USA (1US73); Florida (1FL79))

Language: EN

Other Indexing: (Kasey Kahne; Richard Childress; Kelley Earnhardt-Elledge; Jeff Gordon; Kevin Harvick; Teresa Earnhardt; Jimmie Johnson; Dale Earnhardt Jr.)

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Section: 8

Sister Has Seat of Power as Earnhardt Drives On

VIV BERNSTEIN

As Dale Earnhardt Jr. sat before the cameras and rows of reporters Thursday trying to explain his shocking decision to leave the Nascar team founded by his father, there was a mostly quiet presence beside him.

Kelley Earnhardt Elledge sat next to Earnhardt throughout the nationally televised news conference in Mooresville, N.C., occasionally answering questions in a rare public appearance. As the chief negotiator for Earnhardt, Elledge played a major role behind the scenes in talks with officials at Dale Earnhardt Inc. on a new contract. And now that they have decided not to remain with the team, she will be the point woman for all proposals as Earnhardt considers where to go.

It is a position that suddenly makes Elledge, Earnhardt's sister and trusted adviser, one of the most powerful figures in Nascar.

"If I were going to do a list of the most influential people in this sport, she would be right up there with the France family, with Humpy Wheeler and Bruton," said Jim Hunter, vice president for corporate communications for Nascar, ticking off a list of Nascar's elite power brokers on Friday.

"She bright, she's smart, she's got her dad's street smarts," he added.

The France family, including the Nascar chairman and chief executive Brian France, runs the sport. Wheeler is president of Lowe's Motor Speedway and a longtime promoter who helped build Nascar. Bruton Smith owns Speedway Motorsports Inc., which includes Lowe's in Concord, N.C., Texas Motor Speedway and racetracks in Las Vegas and Bristol, Tenn.

As hard as it is for her to believe, Elledge is in that heady company now.

"I don't feel the power, but I realize that I'm guiding and steering the career and the future of the biggest name in the sport," she said Thursday afternoon as she sat in her office at JR Motorsports, where the news conference was held. Elledge is vice president and general manager of JR Motorsports, the Busch Series and lower-level race team owned by her brother. She runs the business operation in Mooresville as well as the myriad licensing and marketing deals that involve Earnhardt. When somebody wants to do business with Earnhardt, they go through Elledge.

But mostly, she looks after her younger brother.

"As a sister it's something that comes really natural to me," said Elledge, who is married to Jimmy Elledge, the crew chief for the driver Reed Sorenson, and has two children.

It is a role she was born to do. Elledge, 34, is two years older than Earnhardt. Over the years, that has made her more than a big sister in their broken family. She has always been her brother's caretaker.

Their parents divorced when Elledge and Earnhardt were young children, and they lived with their mother in North Carolina until a fire destroyed their home. The children went to live with their father, who was on the road most weekends as he built his career and became one of the greatest drivers in Nascar history. Teresa Earnhardt, his third wife, who helped start D.E.I., was on the road as well.

They never lost contact with their mother, Brenda Jackson, who remarried and lived in Virginia. She now works with JR Motorsports.

But the children were raised in part by nannies, with Elledge always there to watch over her brother. When Earnhardt was sent to Oak Ridge Military Academy for a lesson in discipline, his sister went along, too, to make sure he would be all right. Even when they were adults and the younger Earnhardt was an up-and-coming driver in the Busch Series, Elledge said she would stop by his home and go through the unpaid bills to make sure the electricity would not be turned off.

Through it all, the two formed a bond that still exists.

"We didn't have close, strong relationships with our dad and Teresa, and being peddled around nanny to nanny or relative," said Elledge, who bought 12 acres of property from her brother and built a house near him. "That wasn't a bad situation, but it just didn't allow us to be nurtured by a consistent face and voice and relationship. So I guess that has really a lot to do with it.

"We were always the two constants, and time with our dad was very rare then, and so I think that, too, played a role in our closeness and just the way we are now."

Elledge even quit her six-figure job to help run Earnhardt's fledgling team not long after their father died in a crash on the final lap of the 2001 Daytona 500, taking a 60 percent pay cut to look after her brother's business. She never dreamed that job would grow into the role she has today.

Trust goes a long way with Earnhardt, though.

"I wouldn't have her in that position if I didn't trust her," he said in a teleconference earlier this season. "She raised me quite a bit when I was young. There was a lot of gaps that she filled and voids she filled when it come to having some parental guidance, whatnot, what's right and wrong. She helped me a lot. I'm just trying to show her a lot of appreciation. She's obviously talented. I'm lucky to have her, a caliber of person like her, in my camp. I feel very comfortable."

Elledge said she had been contacted by many teams over the last few months as negotiations played out with D.E.I., all wanting to join the list of interested parties if Earnhardt put himself on the open market. Now that it is done, she will gather information and offers and present options to Earnhardt, who will eventually make shop visits and meet with team owners before making a decision. No matter where Earnhardt winds up, Elledge will always be nearby.

Among those praising her business acumen are Max Siegel, president of global operations for D.E.I., who led negotiations for the race team, and the top driver Jeff Gordon.

"I would say she's the next most powerful thing next to her brother," Gordon said Friday after practice at Darlington (S.C.) Raceway. "I mean, she's in a power position now."

It is a position that has made Elledge perhaps even more powerful than Teresa Earnhardt, who no longer has any say in the future of Earnhardt, the most popular driver in the sport.

Photo: Kelley Earnhardt Elledge, with Dale Earnhardt Jr., is vice president and general manager of JR Motorsports, his Busch Series racing team.(Photo by Bill Starling/Press-Register, via Associated Press)

---- **Index References** ----

News Subject: (Health & Family (1HE30); Parents & Parenting (1PA25))

Industry: (Auto Racing (1AU97); Entertainment (1EN08); Rally Racing (1RA85); Speedway (1SP26); Sports (1SP75))

Region: (Europe (1EU83); Eurozone Countries (1EU86); France (1FR23); Mediterranean (1ME20); Western Europe (1WE41))

Language: EN

Other Indexing: (Reed Sorenson; James H. Hunter; James Hunter; Jeff Gordon; Dale Earnhardt Jr.; Kelley Earnhardt Elledge; Teresa Earnhardt; Brenda Jackson; Jimmy Elledge; Max Siegel; Humpy Wheeler; Bill Starling)

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Section: Sports

Earnhardt wins the storyline

Aaron McFarling aaron.mcfarling@roanoke.com 981-3124

MARTINSVILLE

The new system is working.

{REST} What we saw at Martinsville Speedway on Sunday was much more intriguing than so many - maybe even all - of the previous 15 fall Sprint Cup events at this track.

Not just because grown men were jumping over the railing and into the grass, throwing their fists in the air to celebrate Dale Earnhardt Jr.'s victory. Not just because Earnhardt finally gave thousands of people in No. 88 jackets the victory they've long craved to see here. Not just because of Earnhardt's obvious joy, the burnout, the mosh pit with his crew, the spectators lingering to savor this moment with him as the sun set in the distance.

There's nothing better for business than an Earnhardt win. That goes for tracks, TV networks, souvenir vendors - everybody.

NASCAR can't control who takes that checkered flag, and where, and when. But NASCAR could - and did - create an environment where dozens of storylines are sprouting beyond just the guy getting showered with confetti.

Viewed through that prism, race No. 1 of the Eliminator Round was a rousing success. Superstars experienced frustration and heartbreak. Strategy was paramount. And the scramble to the finish - always worth watching here - had a million different possibilities, all of which had a major impact on who ultimately will win the title.

The Martinsville fall race has long filled a tricky spot on the schedule. Under the old formats, it was late enough in the season that most drivers had been eliminated from championship contention, but it was early enough that no eventual champion ever left here with a crown assured.

So basically what you'd get is one story. Maybe two. Which of the two or three contenders fared the best? And, if none of them won, who did and how did he do it?

Now look. Under the new Chase system, a minimum of eight meaningful storylines were guaranteed the moment the green flag dropped. And as the wrecks piled up and the cleanup crews bustled, this one produced even more than that.

Matt Kenseth called his grueling run "one of the lowlights of my career." And he finished sixth!

Just imagine the churning in the stomach of Keven Harvick, whose 33rd-place run was the worst of all the title contenders. A win at Texas or Phoenix might be his only hope now that he's dropped 28 points behind the No. 4 transfer spot.

Similar for Brad Keselowski, who won at Talladega to get into this round but stumbled to a 31st-place finish after having a part failure in his car.

"It builds character and makes us stronger," Keselowski said. "With this format, we're by no means out of it."

And likewise, thanks to Earnhardt's victory, nobody's guaranteed to be in it, either. The closest to gaining Homestead immunity was Jeff Gordon, who was the class of the field early before getting caught speeding on pit road.

He worked his way back into the lead but couldn't catch Earnhardt in the final laps, settling for second place.

"I would have taken big chances and big risks," Gordon said, when asked what he would have done if he'd reached his teammate's back bumper. "There are a lot of tactics you can use to be aggressive here that can win you the race. You can't do that everywhere, but you can do that here."

Denny Hamlin left frustrated after finishing eighth, getting shuffled back on the final restart.

"Eighth place just isn't going to cut it," he grumbled.

Oh, but in years past, it often did. As long as you finished ahead of the one or two other drivers still in the title hunt, you'd gladly take a top-10 and draw another X on the calendar.

No longer.

The system isn't perfect. The 71-lap green flag run we saw early in the race was unusual here for a full field, as drivers were wary of making the big mistake too early. NASCAR will never eliminate points racing completely.

But when the red flag came out with 10 laps left, and everyone had to decide whether to pit and take tires, they weren't thinking about protecting points leads. There was nothing to protect.

They were thinking about winning. And these days, the guy who does - Earnhardt or not - gains more than he ever has.

{KEYWORDS} auto racing

---- Index References ----

Industry: (Auto Racing (1AU97); Automobiles (1AU45); Automotive (1AU29); Automotive Models (1AU61); Entertainment (1EN08); Land Transportation (1LA43); Passenger Transportation (1PA35); Speedway (1SP26); Sports (1SP75); Transportation (1TR48))

Region: (Americas (1AM92); North America (1NO39); U.S. Southeast Region (1SO88); USA (1US73); Virginia (1VI57))

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Section: SPORTS

FAMILY STRONG IN NASCAR'S 50 GREATEST DRIVERS

DAVID POOLE, Staff Writer

DAYTONA BEACH, Fla.

Five father-son combinations, 22 Winston Cup champions and 11 active drivers.

All are included on the list of NASCAR's 50 greatest drivers, who were introduced and honored Friday night at Daytona USA.

Bobby and Davey Allison, Buck and Buddy Baker, Ralph and Dale Earnhardt, Ned and Dale Jarrett and Lee and Richard Petty are the father-son pairs on the list, which was picked by a 50-member panel of drivers, owners, crew chiefs, reporters and track operators.

Bill Rexford, NASCAR's champion in 1950, its second year, is the only former champion of what is now Winston Cup not to make the 50. Jim Paschal, with 24 career victories, is highest on the all-time winner's list not to be selected.

LIKE FATHER, LIKE SON: Mike Swaim Jr. added another chapter to a rich family history at Daytona International Speedway.

Swaim, whose father won 10 Dash races at Daytona during his career, captured the Discount Auto Parts 200 Dash Series race in a one-lap shoot-out, beating Robert Huffman and Doc Brewer.

The win was the first at Daytona for Swaim Jr., who captured the Dash championship last year.

Over the final laps Swaim, who lives in High Point, kept the lead in a knot of cars.

A late accident caused the race to be red-flagged. That may have saved Swaim, whose car was close to running out of gas.

The race was restarted with one lap to go. Swaim pulled away while the cars behind him stacked up three and four wide.

An incident on Lap 9 flipped two cars and left one sliding down the front straight on its roof. Robert Huffman ran into A.J. Frank coming out of Turn 4. Frank spun across the track and turned the car onto its roof. It slid that way about 200 yards before stopping. Will Hobgood also got caught in the accident and went airborne. None of the drivers were injured.

DODGING IN DRAFT: When drivers aren't on the race track, they spend a lot of time watching those who are.

Jeff Purvis, who starts fourth in today's NAPA 300 Grand National race, said Friday's rained-out final practice was to have been when drivers showed off how strong their cars were.

"If your car is real strong, there will be a lot of people who want to follow it," he said.

Purvis had his eye on Jeff Gordon in one of Thursday's 125-mile Winston Cup qualifying races.

"When he got in the back of that pack over there, and couldn't get any help drafting, he stayed back there," Purvis said. "So it doesn't matter how strong your car is.

"There are going to be a lot of head games going on out there for a long, long time."

Mike McLaughlin and Joe Nemechek will start on the front row for the first Grand National race of the season, with Purvis outside Dale Earnhardt Jr.

PIT STOPS: Goodyear has developed rain tires that could be used at this year's Bud at the Glen road-course race at Watkins Glen, N.Y., the company said.

* Steve Park, Ricky Craven, Darrell Waltrip, Kenny Irwin, Steve Grissom, Ricky Rudd and Ken Schrader will use backup cars in Sunday's Daytona 500 after having their primary cars damaged in Thursday's qualifiers.

* ESPN2's coverage of first-round Daytona 500 qualifying Saturday drew the fourth largest audience for any program in that network's history.

NASCAR'S 50 GREATEST

The 50 greatest drivers in NASCAR history, as selected by a 50-member panel of drivers, team owners, crew chiefs, media members and track operators:

Bobby Allison

Davey Allison

Buck Baker

Buddy Baker

Geoff Bodine

Neil Bonnett

Red Byron

Jerry Cook

Dale Earnhardt

Ralph Earnhardt

Bill Elliott

Richie Evans

Red Farmer

Tim Flock

A.J. Foyt

Harry Gant

Jeff Gordon

Jack Ingram

Ernie Irvan

Bobby Isaac

Ray Hendrick

Dale Jarrett

Ned Jarrett

Junior Johnson

Alan Kulwicki

Terry Labonte

Fred Lorenzen

Tiny Lund

Mark Martin

Hershel McGriff

Cotton Owens

Marvin Panch

Benny Parsons

David Pearson

Lee Petty

Richard Petty

Tim Richmond

Fireball Roberts

Ricky Rudd

Marshall Teague

Herb Thomas

Curtis Turner

Rusty Wallace

Darrell Waltrip

Joe Weatherly

Bob Welborn

Rex White

Glen Wood

Cale Yarborough

Lee Roy Yarborough

Active drivers: Geoff Bodine, Dale Earnhardt, Bill Elliott, Jeff Gordon, Ernie Irvan, Dale Jarrett, Terry Labonte, Mark Martin, Ricky Rudd, Rusty Wallace and Darrell Waltrip.

CHART

PHOTO

Chart, photo

SPEED WEEKS AT DAYTONA * The cutline, which ran on page 1B, does not appear in the database. Please see microfilm.
\ COLUMN: NOTEBOOK

---- Index References ----

Company: SPEED

Industry: (Auto Racing (1AU97); Entertainment (1EN08); Sports (1SP75))

Region: (North America (1NO39); Florida (1FL79); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (BENNY PARSONS; CHART; COLUMN; DASH; DASH SERIES; DISCOUNT AUTO PARTS 200; DODGING; DRIVERS; HOBGOOD; NASCAR; PHOTO; RED BYRON; RED FARMER; SPEED) (A.J. Foyt; A.J. Frank; Alan Kulwicki; Bill Elliott; Bill Rexford; Bob Welborn; Bobby Allison; Bobby and Davey Allison; Bobby Isaac; Buck Baker; Buddy Baker; Cale Yarborough; Chart; Cotton Owens; Curtis Turner; Dale; Dale Earnhardt; Dale Jarrett; Darrell Waltrip; Davey Allison; David Pearson; Doc Brewer; Earnhardt Jr; Elliott; Ernie Irvan; FAMILY STRONG; Fireball Roberts; Frank; Fred Lorenzen; Geoff Bodine; Gordon; Harry Gant; Herb Thomas; Hershel McGriff; Irvan; Jack Ingram; Jarrett; Jeff Gordon; Jeff Purvis; Jerry Cook; Jim Paschal; Joe Nemechek; Joe Weatherly; Junior Johnson; Ken Schrader; Kenny Irwin; Labonte; Lee Petty; Lee Roy Yarborough; Mark Martin; Marshall Teague; Martin, Ricky Rudd; Marvin Panch; Mike McLaughlin; Mike Swaim Jr.; Ned Jarrett; Neil Bonnett; Purvis; Ralph Earnhardt; Ray Hendrick; Rex White; Richard Petty; Richie Evans; Ricky Rudd; Robert Huffman; Rusty Wallace; Steve Grissom; Steve Park; Swaim; Swaim Jr.; Terry Labonte; Tim Flock; Tiny Lund; Wallace; Winston Cup)

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