

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Golden Gate Yacht Club	Plaintiff,
v.	
Societe Nautique de Geneve,	Defendant,
Club Nautico Espanol de Vela,	Intervenor-Defendant.

Index No. 602446/07
(IAS Part 49; Cahn, J.)

**AFFIRMATION OF
GINA M. PETROCELLI**

GINA M. PETROCELLI, an attorney duly admitted to practice before the Courts of the State of New York and not a party to the above-captioned action, hereby affirms the following to be true, under penalty of perjury, pursuant to CPLR § 2106:

1. I am an attorney for Plaintiff Golden Gate Yacht Club (“GGYC”) in the above-captioned case.
2. Attached hereto as Exhibit A is a true and correct copy of an America’s Cup Management (“ACM”) press release, available at <http://33rd.americascup.com/en>, entitled, “Two more Challengers join the 33rd America’s Cup,” dated July 24, 2007.
3. Attached hereto as Exhibit B is a true and correct copy of excerpts from *Johnson’s Dictionary, Improved by Todd, Abridged for the Use of Schools; with the Addition of Walker’s Pronunciation; an Abstract of his Principles of English Pronunciation, with Questions; a Vocabulary of Greek, Latin, and Scripture Proper Names; and an Appendix of Americanisms* (Boston: Charles J. Hendee 1836).
4. Attached hereto as Exhibit C is a true and correct copy of excerpts from *Webster’s Academic Dictionary: Department of Education, Leland Stanford Junior University Dictionary of the English Language; Giving the Derivations, Pronunciations, Definitions and Synonyms of a*

Large Vocabulary of the Words in Common Use; with an Appendix Containing Various Useful Tables; Abridged from Webster's International Dictionary (Springfield: G. & C. Merriam Co. 1895).

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from *The Sailor's Illustrated Dictionary*, by Thompson Lenfestey with Captain Thompson Lenfestey, Jr. (New York: Lyon's Press, 1994).

6. Attached hereto as Exhibit E is a true and correct copy of the Notice of Challenge of Club Nautico Espanol de Vela ("CNEV"), dated June 29, 2007.

Dated: January 2, 2008
New York, NY



GINA M. PETROCELLI

EXHIBIT A

33rd America's Cup

TWO MORE CHALLENGERS JOIN THE 33RD AMERICA'S CUP

24-07-2007

The Société Nautique de Genève (SNG) is pleased to announce that less than three weeks after Alinghi beat Emirates Team New Zealand to win the 32nd America's Cup, two more teams have joined the Challenger of Record, Club Náutico Español de Vela, in challenging Alinghi for the 33rd America's Cup. Last week, South Africa's Team Shosholoza (Royal Cape Yacht Club) had its challenge accepted. On Monday, it was TEAMORIGIN (Royal Thames Yacht Club), marking a return to the America's Cup for the United Kingdom.

Fred Meyer, Vice-Commodore of the SNG, comments: "We are delighted that these teams have challenged, they will bring much in the way of competition to the 33rd America's Cup and will contribute to making this next event even greater than the 32nd edition."

This good news comes off the back of a disappointing reaction from the Golden Gate Yacht Club (GGYC) represented by BMW Oracle Racing and Larry Ellison, which it has been reported in the press, is contesting the validity of the CNEV in the New York Supreme Court.

SNG's Fred Meyer gives his reaction: "It is disappointing that the GGYC appears to be devoting its energies to disrupting and damaging the America's Cup by attempting to secure an exclusive match for the trophy having failed to obtain the right to challenge through normal competition on two successive attempts, first in the 31st and then the 32nd America's Cup. The GGYC is attempting to hold the event hostage to its demands for a private match race in catamarans and the SNG will never negotiate with GGYC under these circumstances and, as trustee of the Cup, will strongly defend all attempts by the GGYC to disrupt and damage the America's Cup."

Most surprising of all is that the GGYC expressly demands to race an exclusive match race against the Defender in 90ft catamarans on 4 July 2008. There will thus be no Challenger Selection Series, nor pre-regattas. The Swiss Yacht Club stands by the validity of the challenge from the CNEV, the Challenger of Record, in all respects and cannot consider another Challenger of Record without breaching the terms of the Deed of Gift. Accordingly, SNG rejected the GGYC's challenge on behalf of BMW Oracle Racing and continues to hope that it will abandon its misguided action and join other challengers now entering the 33rd America's Cup under the terms of the Protocol governing this event.

It has been widely acknowledged, including by the GGYC, that the 32nd America's Cup was superb. By hosting and developing the event in Europe and by delivering some of the most exciting and competitive racing for a growing fan base and TV audience, the America's Cup is now firmly established as a truly global sporting event. This GGYC action, contrary to their claims, returns the America's Cup to litigation, adverse publicity and poor sportsmanship, precisely the same situation which marred the America's Cup in the late 1980s.

Following the tremendous success of the first competition for the America's Cup to be held in Europe since 1851, the Société Nautique de Genève looks forward to an even better 33rd America's Cup involving competitive challengers from around the world and providing a bright future for the sport of yacht racing.



NEWS

25-07-2007

» **33rd America's Cup detail published: Valencia, in 2009...and more.**

24-07-2007

» **Two more Challengers join the 33rd America's Cup**

23-07-2007

» **Britain's TEAMORIGIN challenges for 33rd America Cup**

19-07-2007

» **Team Shosholoza issues it challenge**

05-07-2007

» **The 33rd America's Cup will feature bigger, faster boats**

«

ENTRY

» **33rd America's Cup's Team**

DOCUMENTS

- » Protocol
- » Notice of Entry
- » AC90 Rule
- » Competition Regulations
- » Event Regulations

GGYC case court filings

- » Memorandum of Law
- » Affidavit - Fred Meyer
- » Memorandum of Law in opposition to Preliminary Injunction
- » Affidavit - Miquel Terrassa
- » Affidavit - Hamish Ross
- » GGYC case decision

LINKS

- » Auction
- » 32nd America's Cup's Website

EXHIBIT B

Johnson [Samuel]

JOHNSON'S DICTIONARY,

IMPROVED BY TODD,

ABRIDGED

For the Use of Schools;

WITH THE ADDITION OF

WALKER'S PRONUNCIATION;

AN ABSTRACT OF HIS

Principles of English Pronunciation,

WITH

QUESTIONS;

A VOCABULARY OF

GREEK, LATIN, AND SCRIPTURE PROPER NAMES;

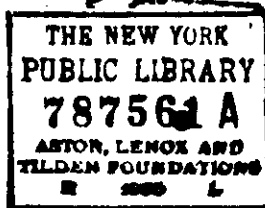
AND

AN APPENDIX OF AMERICANISMS.

BOSTON:

PUBLISHED BY CHARLES J. HENDEE.

1836.



DISTRICT OF MASSACHUSETTS, TO WIT:

District Clerk's Office.

BE IT REMEMBERED, That on the twentieth day of June, A. D. 1888, in the fifty-second year of the Independence of the United States of America, T. H. Carter, of the said district, has deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"Johnson's Dictionary, improved by Todd, abridged for the Use of Schools; with the Addition of Walker's Pronunciations; an Abstract of his Principles of English Pronunciation, with Questions; a Vocabulary of Greek, Latin, and Scripture Proper Names; and an Appendix of Americanisms."

In conformity to the act of the Congress of the United States, entitled, "An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned;" and also to an act, entitled, "An Act supplementary to an act, entitled, An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints."

JNO. W. DAVIS,

Clerk of the District of Massachusetts.

*Stereotyped at the
Boston Type and Stereotype Foundry.*

—ed, móve, údr, údt; —túbe, táb, bóll; —óll; —póddal; —chín, rnis.

- Wē,** wēh, *pron. pl. of L.*
Weak, wēka. *s.* feeble; pliant; unfortified.
Weaken, wē-ka. *v. a.* to make weak; to enfeeble. [failing.]
Weakness, wēka-nēa. *s.* defect, feebleness, failing.
Weal, wēa. *s.* republick; happiness; prosperity; publick interest; mark of a stripe.
Weald, wēald. } *s.* a wood or grove.
Wald, wāld. }
Walt, wālt. }
Wealth, wēalth. *s.* riches, money; goods.
Wealthy, wēalth-ē. *a.* opulent, rich, abundant.
Wean, wēa. *v. a.* to deprive of the breast.
Weapon, wēp-pn. *s.* an instrument of offence.
Wear, wēra. *v. a.* to waste; to have on; to hold out. [water.]
Wear, wēra. *s.* the act of wearing; a dam of Weaser, wē-rē. *s.* one who wears any thing.
Weariness, wē-rē-nēa. *s.* fatigue, lassitude, indisposition.
Wearing, wē-ring. *s.* clothes.
Wearisome, wē-rē-sōm. *a.* tedious, tiresome.
Weary, wē-ē. *a.* to tire, to harass.—*a.* tired.
Weasand, wē-ān. *s.* the windpipe.
Weasel, wē-ā. *s.* the name of a small animal.
Weather, wērn-dr. *s.* the state of the air; a storm.
Weather, wērn-dr. *v. a.* to pass with difficulty.
Weatherbeaten, wērn-dr-bē-ān. *a.* grown rough or tarnished, or harassed by bad weather. [spiru.]
Weathercock, wērn-dr-kōk. *s.* a vane on a weather-vane, wērn-dr-gādjē. *s.* the advantage of the wind; a thing that shows the weather.
Weatherglass, wērn-dr-glās. *s.* See *barometer.*
Weatherwise, wērn-dr-wīza. *a.* foretelling the weather. [seru.]
Weave, wēva. *v. a.* to form by texture; to interweave, wē-vdr. *s.* one who weaves cloth.
Web, wēb. *s.* any thing wove; a film on the eye.
Webfooted, wēb-ft-d. *a.* palmiped; having films between the toes. [weaves.]
Webster, wēb-ādr. *s.* a weaver, one who
Wed, wēd. *v. a.* to marry, to join in marriage.
Wedded, wēd-d. *a.* married, attached to.
Wedding, wēd-ding. *s.* the marriage ceremony.
- Wedge,** wēdje. *s.* a body with a sharp edge and growing thicker from one end to the other.
Wedge, wēdje. *v. a.* to fasten with wedges.
Wedlock, wēd-lūk. *s.* the married state, matrimony. [week.]
Wednesday, wēnz-dē. *s.* the fourth day of the week.
Wee, wē. *s.* a little, small, diminutive, puny.
Weed, wēd. *s.* a wild herb; a mourning habit.
Weeder, wēd-dr. *s.* one who weeds or takes away. [weeds.]
Weedhook, wēd-hōk. *s.* a hook to root up
Weedy, wēd-ē. *a.* abounding with weeds.
Week, wēk. *s.* the space of seven days.
Weekday, wēk-dā. *s.* any day except Sunday.
Weekly, wēk-lē. *a.* done, &c. every week.
Weel, wēl. *s.* a whirlpool; a kind of trap for fish. [agnis.]
Ween, wēn. *v. n.* to think, to suppose, to imagine.
Weep, wēp. *v. n.* to shed tears, to bewail, lament.
Weeper, wēp-dr. *s.* a mourner; a white border of linen on the sleeve of a mourning dress.
West, wēt. *v. n.* to know, to be sensible of.
Weevil, wē-vl. *s.* a grub injurious to corn.
Wett, wēt. *s.* the wool of cloth, goods which have no owner.
Wetunge, wēf-ldje. *s.* texture.
Weigh, wē. *v.* to try the weight of any thing; to heave up, to examine nicely; to judge.
Weight, wēit. *s.* the heaviness of any thing; importance; mass by which bodies are weighed; gravity; pressure.
Weightily, wē-it-ē. *ad.* heavily; solidly; importantly. [ance.]
Weightiness, wē-it-nēa. *s.* heaviness; importance.
Weightless, wēit-lēa. *a.* light; having no gravity.
Weighty, wē-it. *a.* heavy; important; strong.
Weird, wērd. *a.* fatal; witchlike.
Welcome, wēl-kūm. *a.* received with gladness.
Welcome, wēl-kūm. *s.* kind reception.—*v. a.* to receive.
Welcome, wēl-kūm. *interj.* used to a visitor.
Welcomeness, wēl-kūm-nēa. *s.* the act of making welcome, a kind reception; gratefulness.
Welcomer, wēl-kūm-dr. *s.* one who bids welcome.

EXHIBIT C

Noah Webster's Academic Dictionary
DEPARTMENT OF EDUCATION
LELAND STANFORD JUNIOR UNIVERSITY
DICTIONARY

OF THE
ENGLISH LANGUAGE

GIVING THE DERIVATIONS, PRONUNCIATIONS, DEFINITIONS
AND SYNONYMS OF A LARGE VOCABULARY OF
THE WORDS IN COMMON USE

WITH AN APPENDIX CONTAINING VARIOUS
USEFUL TABLES

ABRIDGED FROM

WEBSTER'S INTERNATIONAL
DICTIONARY

OVER 800 ILLUSTRATIONS



NEW YORK • CINCINNATI • CHICAGO
AMERICAN BOOK COMPANY
SPRINGFIELD, MASS.: G. & C. MERRIAM CO.

594359



Copyright, 1908,

BY G. & C. MERRIAM COMPANY.

REGISTERED AT STATYONERS' HALL.

[All rights reserved.]

W. P. 15

Weather-glass (*wēth'ə-glās*), n. Instrument to indicate the state of the atmosphere, changes of atmospheric pressure, and changes of weather, as a barometer or barograph. [weather.]

Weather-wise (*-wīz*), a. Skillful in forecasting the weather.

Weave (*wēv*), v. t. [*imp.* **Weave** (*wēv*); *p. p.* **Woven** (*wōv'n*); *Wove*; *p. pr. & pt. a.* **Weaving**.] [*AE. wefan*; akin to *D. weven*, *G. weben*, *Gr. báwōn*, v., *wēw* web.]

1. To unite (threads of any kind) so as to form a texture; to intertwine; to unite intimately. 2. To form (cloth) by interlacing threads; to form into a fabric; to compose. — *v. i.* 1. To work with a loom. 2. To become interwoven. — *n.* A particular pattern of weaving. — **Woven**, a.

Weaver bird, a bird of Asia, East India, and Africa, resembling finches and sparrows, which constructs pebble nests of interlaced grass and similar materials.

Weaver (*wēv'ə*), n. [See **Woven**.] This, withered.

Web (*wēb*), n. [*AE. webb*; akin to *G. weber*. See **Weave**.] 1. That which is woven; texture; thing woven in a loom. 2. A whole piece of linen cloth as woven. 3. Texture of fine thread spun by a spider; cobweb. 4. Membrane uniting fingers or toes. 5. Series of hairs on each side of the shaft of a feather. — *v. t.* To unite or surround with a web; to envelop.

Webbed (*wēbd*), a. 1. Provided with a web. 2. Having the toes united by webs, as sea fowls.

Webbing (*wēb'bing*), n. A woven band of cotton or flax, used for reins, girths, bed bottoms, etc.

Web-foot (*-fōt*), n. 1. A foot having its toes connected by a membrane. 2. A web-footed bird.

Web-footed, a. Having webbed feet; palmiped.

Wed (*wēd*), v. t. & i. [*AE. weddian* to covenant, promise, marry.] 1. To take for husband or wife by formal ceremony; to marry. 2. To join in wedlock. 3. To attach firmly or indissolubly. [marriage.]

Wedding, n. [*AE. weddung*.] Nuptial ceremony; marriage.

Wedge (*wēd*), n. [*AE. weap*.] Piece of hard material, thick at one end, and tapering to a thin edge at the other, used in splitting, etc. — one of the six elementary machines called *mechanical powers*. — *v. t.* 1. To cleave with a wedge; to rive. 2. To force by crowding and pushing as a wedge does; to press closely; to fix like a wedge drives into something. 3. To fasten with wedges.

Wedlock (*wēd'lɔk*), n. [*AE. wēdlic* betrothal; *wedd* pledge + *lic* gift, offering.] Ceremony, or state, of marriage; matrimony.

WED. — See **MARRIAGE**.

Wednesday (*wēd'nēdēz*), n. [*OE. wōdnesdæi*, *wōdnesdæi*, *AE. Wōdnes* day, *Woden's* day (translation of *L. dies Mercurii*); *fr. Woden* the highest Teutonic god.] The fourth day of the week; day after Tuesday.

Wee (*wē*), n. Very small; little. [*Coll. & Scw.*]

Weed (*wēd*), n. [*AE. wēde*, *wēd*.] 1. A garment; clothing. 2. Mourning garment or badge.

Weed, a. [*AE. wēdd*.] 1. An unsightly or injurious plant. 2. An animal said to breed from. 3. Tobacco, or a cigar. [*Quang*] — *v. t.* 1. To free from noxious plants. 2. To remove (something harmful); to extirpate.

Weedy, a. 1. Pert. to, or consisting of, weeds. 2. Abounding with weeds. 3. Scraggy; unsightly. [*Coll. & Scw.*]

Week (*wēk*), n. [*AE. woca*, *woco*; akin to *G. wocle*, *Iscl. wika*, prob. orig. meaning, change, and akin to *L.*



The Weaver Bird (*Ploceus* genus), with its five kinds of nests.

vicio alternation.] A period of seven days, usually reckoned from one Sabbath or Sunday to the next.

Week day, any day of the week except Sunday.

Weekly (*wēk'ly*), a. 1. Pert. to a week, or week days. 2. Done once a week; hebdomadary. — *n.* A publication issued once a week; hebdomadary. — *v.* Once a week.

Wean (*wēn*), v. t. [*AE. weānan*, *fr. wān* hope, opinion.] To think; to fancy. [*Obs. or Poetic*]

Weep (*wēp*), v. t. [*imp.* *weep* (*wēpt*); *p. pr. & pt. a.* *weeping*.] [*AE. wepan*, *fr. wēp* lamentation.] 1. To show grief, etc., by shedding tears; to cry. 2. To lament. 3. To flow in drops; to drip. 4. To droop; — said of a plant. — *v. i.* 1. To lament. 2. To shed (tears).

Weeping, n. The shedding of tears; lamentation with tears. — *v. i.* 1. Grieving; shedding tears. 2. Discharging liquid in drops; saturated with water. 3. Having slender, pendulous branches; — *Weeping willow*, a willow whose branches grow very long and slender, and hang down almost perpendicularly.

Weevil (*wēv'əl*), n. [*AE. wēf*.] A most beetle, many species of which are very injurious to cultivated plants.

Wet (*wēt*), n. [*AE. fr. wefan* to weave.] 1. Wood of cloth; threads that cross the warp from selvage to selvage; thread carried by the shuttle in weaving. 2. A web; thing woven.

Wet (*wēt*), v. t. [*AE. wepan* to bear, weve; akin to *D. wepen* to weigh, *L. cōferre* to carry.] 1. To raise; to swing up. 2. To examine by the balance; to ascertain the weight of. 3. To equal in weight; to counterbalance. 4. To examine as if by the balance; to ponder; to estimate deliberately. — *v. i.* 1. To be heavy. 2. To be considered important. 3. To bear heavily. — **Weight**, n.

Weight (*wēit*), n. [*AE. gewēit*.] 1. The being heavy; effect of gravitative force, esp. when expressed in certain units or standards, as pounds, grams, etc. 2. Quantity of heaviness; quantity of matter as expressed numerically with reference to some standard unit. 3. Pressure; burden. 4. Importance; influence; efficacy. 5. A scale, or standard, of heaviness; mode of estimating weight. 6. A ponderous mass; something heavy. 7. A definite mass, used to ascertain the weight of other bodies. — *v. t.* To load with weights; to make heavy.

Weighty (*-y*), a. 1. Having weight; heavy; ponderous. 2. Adapted to onerous; important. — **Weightily**, *adv.* — **Weightiness**, n.

Wye. — Heavy; ponderous; burdensome; onerous; forcible; momentous; efficacious; impressive; cogent.

Wye (*wē*), **Wey**, n. [*AE. wey*; akin to *weiran* to defend.] 1. Dam in a river to stop the water, for conducting it to a mill, forming a pond, etc. 2. Fence set in a stream, tideway, etc., for taking fish.

Wield (*wēld*), v. [*AE. weald* fortune, one of the Fates, *fr. wealdan* to be, to become.] 1. Pert. to fate or destiny. 2. Pert. to witchcraft; supernatural; wild.

Wield (*wēld*), n. [*AE. weald*.] 1. Received with gladness; admitted willingly. 2. Producing gladness. 3. Free to enjoy gratuitously. — *v. t.* 1. Satisfaction to a new comer. 2. Kind reception of a guest. — *v. i.* To salute and entertain hospitably. — **Wielder**, n.

Weld (*wēld*), n. [*OE. wēld*.] 1. A herb related to nigella, used to dye yellow; — called also *dyer's broom*; *dyer's rocket*. 2. Dye extracted from this plant.



Weeping Willow.



Wedge.

[Fr, weant, Grk, ryda, fylt, Grn, fald, fōbt, out, oil, chair, go, sing, ligh, then, thin.

EXHIBIT D

THE
SAILOR'S
ILLUSTRATED
DICTIONARY

Thompson's Dictionary
with Captain Thompson's Dictionary, 15.



FULL EXPLANATIONS OF MORE THAN 8,500 TERMS AND
PHRASES USED BY SAILORS, BOATERS, AND SEAMEN

THE

SAILOR'S

ILLUSTRATED

DICTIONARY

Thompson Lenfestey
with Captain Thompson Lenfestey, Jr.



THE LYONS PRESS

Copyright © 1994 by Thompson Lenfestey

ALL RIGHTS RESERVED. No part of this book may be reproduced in any manner whatsoever without the express written consent of the publisher, except in the case of brief excerpts in critical reviews and articles. All inquiries should be addressed to: The Lyons Press, 123 West 18 Street, New York, NY 10011.

Printed in the United States of America

10 9 8 7 6 5 4 3 2 1

Library of Congress Cataloging-in-Publication Data is available on file.

First published by Facts on File, Inc. as *The Facts On File Dictionary of Nautical Terms*
First Lyons Press edition, 2001

to a foreign country; lakes and inland rivers at the Canadian and Mexican borders would be examples. Federal law further preempts and takes precedence over control by the states on matters of safety standards, but allows states to go further in matters of safety to meet a local situation. States also are allowed control over licensing, trailering, and such matters.

jury *adj.* Makeshift or temporary, as in jury rig, a jury mast, or a jury rudder. An emergency arrangement made to enable

a vessel to make port or a place where it can be repaired.

Jutland Current *n.* A narrow, local, nontidal current off the coast of Denmark. It originates partly from the counterclockwise flow in the tidal North Sea and is pushed by the prevailing winds from south to west to northwest over 50% of the year. The transverse current flows from the English coast towards the Skaggeiak. The current, retaining its major nontidal characteristics, flows northeastward along the northwest coast of Denmark at 1.5 to 2 knots.

K

K See KILO.

Kamchatka Current *n.* A branch of the Kuroshio Current that branches and passes by the Kamchatka Peninsula of northeastern Siberia and then toward the Aleutian Islands. See OCEAN CURRENT.

kapok *n.* A silky fiber from the tropical kapok tree fruit (*Ceiba pentandra*), used for padding in life preservers.

katabatic wind *n.* A cold wind that blows down an incline; opposite of anabatic wind. The bora of the Adriatic is a dramatic example.

kayak *n.* Traditionally, an Inuit canoe made from bones (for the frame) and hides from seals and other animals for the covering, and used in the Arctic for hunting seals and whales. Modern materials have been applied to the design, which has been adapted to white-water competition.

keckle (or kekke) *v.* To wrap cordage, called keckling, around lines to prevent chafing. Keckling is usually used on bow cables and cables coming in

contact with the vessel's bottom, and is also used simply to dress up docking lines.

kedge *n.* Any anchor used for pulling a boat or ship free after grounding.

kedge *v.* To pull a vessel by using an anchor, a kedger. The anchor is put in a small boat and taken ahead of the vessel to a place where it is dropped into the water; the anchor line is then hauled in to pull the vessel forward.

keel *n.* On large vessels, a structural member that is the backbone of the ship; it runs along the centerline of the bottom. On small craft, there are many external keel designs that do not run the length of the vessel, such as a fin keel. The purpose of the keel in small vessels, if it projects downward, is to resist leeway forces and to give additional stability. Framed vessels always have full-length keels. See FLAT KEEL.

keel, vertical *n.* A vertical plate used as reinforcement for the keel. Also center keelson. See STABILITY.

EXHIBIT E

Club Nautico Español de Vela

Valencia, 29th June 2007

The President
Société Nautique de Genève
Port Noir, Lake Geneva
Geneva
Switzerland

Gentlemen,

Notice of Challenge for the America's Cup

It is with much pleasure that Club Nautico Español hereby formally challenges Société Nautique de Genève to a match for the America's Cup.

To comply with the requirements of the Deed of Gift that ten months notice be given, and recognizing the period permitted by the Deed of Gift for a match in the Northern Hemisphere, we name 1st July 2009 as the date of the first race and 3rd and 5th July 2009 as the dates of the second and third races respectively, but it is acknowledged these dates for the proposed match are intended to be substituted by the mutual consent arrangements set out in a Protocol referred to below.

This Notice of Challenge is given in accordance with the America's Cup Deed of Gift dated 24 October 1887 between George L. Schuyler and the New York Yacht Club as amended by Orders of the Supreme Court of the State of New York dated 17 December 1958 and 5 April 1983.

Accompanying this Notice in accordance with the requirements of the Deed of Gift is the Certificate as to the name, rig and specified dimensions of the challenging vessel. The "Custom House" registry of the challenging vessel will be sent as soon as possible. It is again acknowledged that it is intended the dimensions of the challenging and defending vessel for the proposed match will not be in accordance with this certificate, but will be in accordance with the arrangements made in the proposed Protocol referred to below.

Club Náutico Español de Vela • Base Número 3 • Dársena Interior del Puerto • Valencia

Teléfono + 34 96 316 51 53 • Fax +34 96 044 00 64

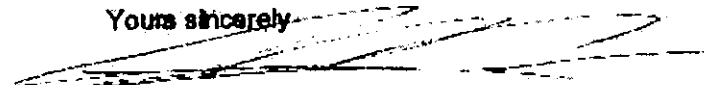


The above proposals are set out to comply with the terms of the Deed of Gift, but we seek alternative dates, courses, additional races, and to establish particular rules and sailing regulations and other conditions applicable to the forthcoming match. To this end, the arrangements made in the document annexed to this letter entitled "The Protocol Governing the Thirty-Third America's Cup" are acceptable to Club Náutico Español and we agree those arrangements set out in that document will take effect upon your acceptance of this challenge and the terms of that document.

We recognize that under the terms of the Deed of Gift you are unable to consider this challenge until the pending match is decided in your favour, but we would be pleased if you do so at the earliest opportunity.

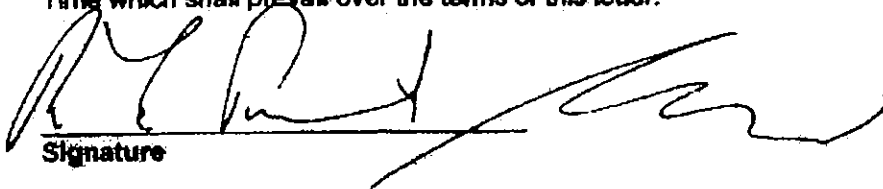
As a separate matter, in consideration of your agreement to receive this challenge for review following determination of the pending Match, we undertake and agree that this challenge cannot be withdrawn by us before 31st July 2007. We have agreed that this obligation is now legally binding on us.

Yours sincerely



Manuel José Chirivella Bonet
President of Club Náutico Español de Vela

Société Nautique de Genève confirms acceptance of the challenge of Club Náutico Español and agrees to the terms of the document entitled "The Protocol Governing the Thirty Third America's Cup" on the 29th day of June 2007 at 12.00pm Central European Time which shall prevail over the terms of this letter.



Signature

PY FIRMENICH

Name

A. MEYER

Commodore

Office

V. COMMODORE

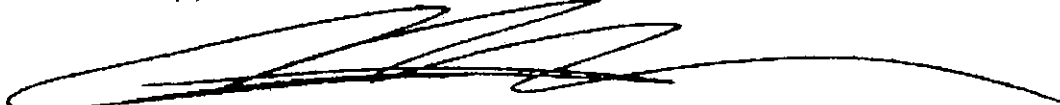
Club Náutico Español de Vela • Base Número 3 • Dársena Interior del Puerto • Valencia

Teléfono - 34 96 316 51 53 • Fax +34 96 044 00 64

**CERTIFICATE
OF NAME, RIG AND SPECIFIED DIMENSIONS
OF CHALLENGING VESSEL**

I, Manuel José Chirivella Bonet, certify the details set out below as to the name, rig and specified dimensions of the keel yacht to represent Club Náutico Español de Vela in a match for the America's Cup to be sailed in accordance with the Notice of Challenge herewith:

1. Name -Desafío Español 2007 , ESP 97
2. Rig -AC Sloop
3. Dimensions -
 - (a) Length on load waterline - 25,388
 - (b) Beam at load waterline - 3,414
 - (c) Extreme beam - 3,414
 - (d) Draught of water - 4,100



Signed by Manuel José Chirivella Bonet
Club Náutico Español de Vela