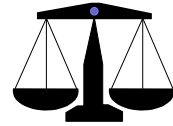




AMERICA'S CUP 32

AMERICA'S CUP JURY JURY NOTICE JN019 2nd June 2005



Challenger Commission Application ACJ008 Meteorological Data Service

To: Challengers and Defender, ACM, Regatta Director, Chief Measurer.
Copy: AC Media.

1. On 25th May the Jury distributed the Application to Parties, and invited responses on two issues (on which it set a deadline of 31st May)
 - (a) whether the CC has standing to seek relief from the Jury (see 1.3 of the Application); and
 - (b) whether individual Challengers be permitted to make submissions (see 5.1 of the Application).
2. On 31st May, the Jury received submissions from the Chairman of the Challenger Commission and the Event Authority (Americas Cup Management). A submission was received from BMW Oracle 'strongly supporting' the Challenger Commission's application.
3. On 31st May the Jury Chairman received an email from Hamish Ross (Alinghi) stating he was abroad and not able to communicate until his return to Valencia on the evening of 2nd June. He requested an opportunity to give the Defender an opportunity to consider the Challenger Commission's latest submission and to make a submission in response, and asking the Jury to 'refrain from making any determination' until his return.

Decisions and Directions

4. The Jury accepts the submissions of ACM, Alinghi and the Challenger Commission that the Challenger Commission has standing to seek relief from the Jury in relation to Protocol articles 5.8 & 5.9¹ in so far as it represents those Challengers supporting the Application.
5. The Challenger Commission is required to provide to the Jury Chairman by 6th June:
 - (a) evidence that it has on the same basis as all other Challengers formally agreed to be bound by the Provisions of the Deed of Gift and the Protocol;
 - (b) to confirm who it has appointed as its one representative and evidence of the Challenger of Record Approval in compliance with Articles 6.3(b) and 6.4 of the Protocol; and

¹ Protocol article 5.8 Meteorological Data Service: The Race Committee shall, at the request of the Event Authority, establish and manage a meteorological and oceanographic data collection service at the Venue and make the data available to Competitors electronically on a cost recovery basis....

5.9 Neutral Management: SNG, the Defender, the Event Authority, the Regatta Director, the Challenger Commission, the Challenger of Record and all Officials shall: (a) each act in the best interests of all of the Competitors, consistent with Article 2, in organising and managing the Event, and in developing the rights referred to in Article 4.1(c); and (b) not favour the interests of the Defender over those of the Challengers nor the interests of the Challengers over the Defender.

- (c) the identity of each of the Challengers it is representing in this Application.
6. By supporting the Challenger Commission's Application, the Protocol does not provide that a Challenger will lose its standing as a Party (See also Jury Rules of Procedure Rule 1.7²). Any Challenger may make its own responses whether or not it supports the Challenger Commission's Application.
 7. All parties are now invited to submit Responses to the substantive matters in the Application. Replies must be received by the Jury Chairman by 6th June 12h00 UT.
 8. The Challenger Commission (representing those Challengers which have elected to support its position) may then submit a Reply which shall be received by the Jury Chairman by 9th June.

Request for Interim Relief

9. The Jury will consider the request for interim relief only after it has considered the Responses from parties on this issue.

Reasons

10. Detailed reasons will be provided when the written decision on the Application is delivered.

A handwritten signature in black ink that reads "Bryan Willis". The signature is written in a cursive style with a large, looping initial "B".

Bryan Willis

America's Cup Jury:

Gabrielle Kaufmann-Kohler, Graham McKenzie, Henry Menin, David Tillett, Bryan Willis (chairman)

² Rules of Procedure, rule 1.7: 'PARTY means any person or entity over whom the JURY has jurisdiction under the PROTOCOL, including but not limited to all Competitors, the Race Committee, the Measurement Committee, the Event Authority (ACM), SNG and all Officials.'