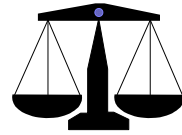




AMERICA'S CUP 32

AMERICA'S CUP JURY JURY NOTICE JN068

Request for Redress by +39 Challenge
regarding installation of TV equipment



Case ACJ027
Summary and Decision
22nd April 2007

To: Challengers and Defender, ACM, Chief Measurer, Regatta Director ("**Parties**")

Request for Redress by +39 Challenge

Date of Incident: 20th April 2007, Louis Vuitton Cup Challenger Selection Series Round Robin 1, Flight 1, Match 2

+39 Challenge Request for Redress

[1] By email sent to the Jury Secretary on 20th April at 22h53, +39 Challenge submitted a Request for Redress. The Request concerned a failure of the electronic system on board ITA 85 during race 1 of Round Robin 1 of the Challenger Selection Series on 20th April 2007, which failure they alleged was caused by the television equipment installed on ITA85 by the Organising Authority.

[2] The Request for Redress and submissions of +39 Challenge was as follows:

"STATEMENT OF FACTS:

- 1. +39 Challenge had a total failure of its electronic onboard systems prior to the start of the first race of the CSS Round Robin 1 on 20th April 2007 when the TV equipment onboard was turned off.*
- 2. Following the failure +39 Challenge sailed the entire race without its electronic onboard systems with a material disadvantage against its opponent (FRA 93)*
- 3. +39 Challenge believed that the failure was caused by a problem of its own system since all equipment mounted on the aerial frame had been duly tested and checked with ITA 85 instrument to avoid any interference or failure.*
- 4. +39 Challenge believed that the problem might have been caused by improper setting as +39 Challenge had stepped the mast and reassembled its equipment only late the previous night as the shore crew was attempting to change the mast to use a different one which was then not use.*
- 5. Following the end of the race our tactician call the race committee informing them about our problem and potential interference with the TV equipment which was turned off for the second race*
- 6. The protest time limit for 20th April 2007 was set at 8.38 and at that time +39 Challenge had no indication of a potential external cause for its system's failure.*

7. At approximately 8.30 pm the technician from 3G came to our base to dismount the TV equipment together with our navigator Bruno Zirilli.

8. At approximately 8.45 pm time +39 Challenge discovered that the equipment mounted on ITA 85 was not compliant with that previously tested.

9. Accordingly with the statement from the 3G technician (Chris – further details and full name will be investigated and presented to the Jury at the hearing) the equipment mounted on ITA 85 was set at a much higher emission power as it was used for the boat parade on 14 April 2007 and never set back at the appropriate power level previously tested on ITA 85.

10. +39 Challenge immediately following the discovery of the cause of the failure informed the Jury chairman about the facts.

SUBMISSIONS OF +39 CHALLENGE:

REQUEST FOR REDRESS

1. +39 Challenge believes that its result in the race had, through no fault of its own, been made significantly worse by an improper action of the race committee.

2. +39 Challenge believes that the discovery of the actual cause of the failure of its electronic systems made after the expiry of the protest time limit represent a good reason to extend said protest time limit thus accepting the validity of + 39 Challenge request of redress.

3. +39 Challenge maintains that the placement of a TV equipment different in its set up from what previously tested with the purpose to avoid interference and failure of onboard electronic systems represents an improper action of the race committee when this equipment actually cause the failure of the systems.

4. +39 Challenge had no way to anticipate and prevent the failure as it had tested the TV equipment and checked that it did not interfere with its systems and assumed that the equipment used was the same previously tested.

5. +39 Challenge maintains that the unavailability of its onboard instrument impaired materially its ability to proper sail in the race resulting in the loss of the race itself.”

Hearing Time

[3] The Jury set a hearing time for the Request for Redress of 20h00 on 21st April 2007.

Pre-Hearing Discussions

[4] Prior to the scheduled hearing time, discussions took place between the Jury Chairman and representatives of +39 Challenge, the Event Authority (“ACM”) and America’s Cup Television (“ACTV”).

ACM Statement

[5] Following such discussions ACM provided a written statement to +39 Challenge as follows:

"In the frame of the submission to the Jury by +39 with regard to the loss of their electronics onboard systems during Flight 1 of the Louis Vuitton Cup Round Robin 1, AC Management SA would like to make the following statement.

ACTV confirms that yesterday, Friday, 20th April, the ACTV Camera transmitter installed on the +39 Yacht was incorrectly powered at 2 watts instead of the 1 watt usually used and initially tested with the teams. This was an unfortunate situation, one that ACTV can only put down to human error by one of ACTV's installation crew.

Although this overpower did not affect at all the Virtual Eye and Pilot Fish equipments, it might have had an influence on +39's onboard electronics according to tests conducted yesterday evening.

ACM and ACTV sincerely regret the problems experienced by +39."

Request to Withdraw

[6] As a result of ACM's statement, +39 Challenge sought approval from the Jury to withdraw its Request for Redress.

Jury Decision on Request to Withdraw Request for Redress

[7] Pursuant to the provisions of the Racing Rules of Sailing Rule 63.1, the Jury allowed +39 Challenge's Request for Redress to be withdrawn.

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:

Graham McKenzie, Henry Menin, Henry Peter, David Tillett, Bryan Willis (Chairman)