

JANUARY 2008

**January 9:** CNEV issues a proposed counter court order to Justice Cahn.

[Click here to read the proposed counter court order](#)

**January 14:** Justice Cahn hears both parties and decides to delay issuing a settlement order until after he has examined the arguments raised by SNG with regard to the validity of the GGYC challenge. Justice Cahn decides it is proper to hold a hearing to resolve the validity of the GGYC challenge and schedules it for the 23 January.

[Click here for the press release](#)

**January 15:** Justice Cahn issues an Order to Show Cause, requiring that GGYC show cause at the January 23 hearing as to: “Why an order should not be entered declaring GGYC’s notice of challenge and certificate to be in non-compliance with and valid under the Deed of Gift.”

**January 18:** SNG lawyers write to Justice Cahn stating that “the New York Court of Appeals has given clear and specific instruction that disputes over the eligibility of vessels and sufficiency of boat certificates are to be determined not by the court, but rather in accordance with the rules and regulations of the Cup holder”.

[Click here to read the correspondence](#)

**January 22:** SNG presents a letter from the International Sailing Federation (ISAF) stating the contradiction and differences between the descriptive terms multi-hull and “keel yacht”. Jerome Pels, ISAF Secretary General concludes that: “(...) a “multihull” yacht would not be classified as a “keel” yacht.”

Click [here](#) to read the letter from ISAF and other correspondence [here](#) and [here](#).

TeamOrigin, representing the Royal Thames Yacht Club, announces a Deed of Gift challenge calling for a Match in 2011 in Valencia to be sailed in AC90 yachts. The team outlines its willingness to consider a mutual consent match with a Protocol along the same lines as the 33rd.

**January 23:** Justice Cahn hears arguments over whether the GGYC has put forth a valid Deed of Gift challenge for the 33rd America’s Cup.

GGYC seeks to present new evidence at the hearing about what a “keel yacht” is. Justice Cahn invites SNG to present additional submissions on Monday on these issues, including on the definition of a “keel yacht” versus a multi-hull.

**January 28:** SNG submits further evidence to Justice Cahn in support of a court order declaring the GGYC challenge invalid. This submission demonstrates through expert testimony – from among others; Nigel Irens, designer and fellow of the Royal Institute of Naval Architects, Göran Marström, founder of Marström, the company that builds the ISAF Tornado Class catamaran, Nicolas Grange, president of the Swiss Multi-hull Association and Jochen Schuemann, three-time Olympic Gold medalist and twice America’s Cup winner – that a “keel yacht” cannot be categorised as a multi-hull, as implied in the ambiguous and contradictory GGYC challenge certificate.

[Click here for the press release.](#)

**January 29:** In a last minute letter to Justice Cahn, the GGYC concedes that it does not intend to race with a “keel yacht” as stated in its boat certificate. The GGYC abandons its arguments of January 23 that a multi-hull vessel could be a “keel yacht” in an attempt to salvage its defective certificate and shifts to insisting that it has supplied all the details required by the Deed of Gift for a challenge.

This demonstrates an acknowledgement that their boat certificate is ambiguous and contradictory. [Click here to read the correspondence.](#)

**January 30:** SNG replies to Justice Cahn highlighting that since the GGYC has finally confirmed that they would not race a “keel yacht” but a multi-hull, it should be deemed that they have withdrawn their challenge, which in any case is invalid. [Click here to read the correspondence](#)

MARCH 2008

**March 18:** Justice Cahn issues court order dated 17 March 2008 denying both of SNG’s motions and ruling the GGYC certificate valid but proposing that SNG and GGYC agree dates for the Deed of Gift Match.

[Click here to read the court order](#)

[Click here to read the press release](#)

**March 19:** SNG writes to GGYC to invite the club to meet and agree dates for the Deed of Gift Match as contemplated by Justice Cahn in his Order dated March 17 2008. SNG states that “We believe that the earliest date that GGYC could propose for us to meet on the water is May 1 2009 as described below:

- GGYC issued its challenge on July 11 2007.
- The 10-month notice period was then interrupted by GGYC’s filing of this lawsuit nine days later, on July 20 2007.
- The notice period then resumed with Justice Cahn’s issuance of a final order dated March 17 2008.
- The notice period is now running again and will expire on or about January 7 2009.
- GGYC’s challenge specifies a race in the Northern Hemisphere.
- The Deed of Gift permits races in the Northern Hemisphere only between May 1 and November 1.
- Thus, the earliest possible first race date compliant with the Deed of Gift is May 1 2009.”

[Click here to read SNG’s letter to GGYC](#)

**March 20, 21, 23:** GGYC agrees to meet at the SNG in Geneva, Switzerland at 11.00am on March 26 2008.

Click [here](#) and [here](#) and [here](#) to read the letter exchange between SNG and GGYC.

**March 26:** SNG representatives, Lucien Masméjan, lead counsel for the club, and Fred Meyer, Vice-Commodore, meet with GGYC representatives, Russell Coutts and Tom Ehman, at the SNG on Lake Geneva to try and agree the dates for the Deed of Gift Match. The GGYC approach is disappointing and the two refuse to negotiate.

[Click here to read the press release](#)

SNG lawyers write to Justice Cahn to request that, as contemplated in his Order dated 17 March, they return to Court for him to set the dates for the Deed of Gift Match.

[Click here to read SNG letter to Justice Cahn](#)

[Click here to read the press release](#)

**GGYC** lawyers write to Justice Cahn requesting that an Order is issued to reflect the summary judgement granted on November 27 2007.

[Click here to read GGYC letter to Justice Cahn](#)

**March 27:** Justice Cahn agrees to a hearing and sets the date for April 2 2008.

GGYC serves SNG with notice of Justice Cahn’s Orders dated March 17 2008.

APRIL 2008

**April 2:** Justice Cahn hears arguments from both parties and indicates that he would issue a new court order setting the dates for the Deed of Gift Match between SNG and GGYC.

[Click here to read the press release](#)

[Click here to read the court transcript](#)

**April 14:** SNG files notice of appeal and pre-argument statement with the Appellate Division of the New York Supreme Court.

[Click here to read the notice of appeal](#)

[Click here to read the pre-argument statement](#)

[Click here to read the press release](#)

**April 15:** SNG files motion for stay pending appeal and a motion for an order expediting appeal and for expedited relief.

Justice Andrias, of the Appellate Division, grants SNG an expedited appeal. All briefing on the appeal are to be completed by May 15 2008 and oral arguments are to be heard before the end of the June term. Justice Andrias also decides that SNG's request for a stay should be referred for consideration to a five-judge panel of the Appellate Division. Briefing on the stay motion will be completed by 25 April 2008.

[Click here to read the summary statement from Justice Andrias](#)

[Click here to read the press release](#)

SNG lawyers write to Justice Cahn advising him of the pendency of the appeal and re-emphasising the importance of entering an order containing the May 1 2009 race dates.

[Click here to read the correspondence](#)

GGYC lawyers write to Justice Cahn in response to SNG's letter.

[Click here to read the correspondence](#)

**April 21:** SNG files appellate brief with the Appellate Division of the New York Supreme Court.

[Click here to read the brief](#)

**April 22:** GGYC files notice of cross motion to dismiss the SNG appeal filed on April 14 2008 with a memorandum of law in support of the cross motion and an affirmation of Gina Petrocelli.

[Click here to read the cross motion](#)

[Click here to read the memorandum of law in support of the cross motion](#)

[Click here to read the affirmation](#)

**April 25:** SNG files a memorandum of law in further support of the motion for stay pending appeal and in opposition to GGYC's cross motion for an order dismissing SNG's appeal filed on 14 April 2008.

[Click here to read the reply brief](#)

[Click here to read the correspondence with the appellate division](#)

**April 28:** Hearing date for the oral arguments for the appeal is set for June 5 2008 by the Appellate Division of the New York Supreme Court.

[Click here to read the court schedule for June 5 2008](#)

MAY 2008

**May 8:** Four-judge panel of the Appellate Division of New York Supreme Court issues an order dated May 8 2008 dismissing GGYC's cross motion to dismiss SNG's appeal of April 14 2008 and denying SNG's motion to stay the case.

[Click here to read the court order](#)

**May 9:** GGYC file opposition brief. [Click here to read GGYC brief](#)

**May 12:** Justice Cahn issues court order granting the America's Cup defending yacht club, SNG, the full 10-month notice period, to begin from the date of service of his order, as he did not deem any of the motions brought by SNG to be frivolous and considered that it would be inequitable to deprive SNG of the full 10-month notice period.

[Click here to read the court order](#)

[Click here to read the decision](#)

[Click here to read the press release](#)

**May 13:** SNG files an appeal against Justice Cahn's court order of 12 May 2008 as some of the language it contains appears to be contradictory, contemplating a match in Valencia in March 2009 when the Deed of Gift prohibits racing in the Northern Hemisphere between 1 November and 30 April.

The Appellate Division of the New York Supreme Court grants SNG's motion to consolidate appeals, setting a timeline through to the oral arguments scheduled for June 5 2008 as follows:

- **May 15 2008:** Reply brief to be submitted by SNG will constitute the opening brief on the consolidated appeal

- **May 22 2008:** GGYC's answering brief to be submitted

- **May 23 2008:** SNG's reply in the consolidated appeal to be filed

- **June 5 2008:** Oral arguments to be heard before the Appellate Division of the New York Supreme Court.

[Click here to read the notice of appeal](#)

[Click here to read the memo of law](#)

[Click here to read the affirmation of Laura Murphy](#)

[Click here to read the notice of entry](#)

[Click here to read the summary statement](#)

[Click here to read the press release](#)

**May 15:** SNG files reply brief which will also constitute the opening brief for the consolidated appeal.

[Click here to read the SNG brief](#)

**May 22:** GGYC to submit its answering brief to the Appellate Division of the New York Supreme Court.

[Click here to read the GGYC brief](#)

**May 23:** SNG to submit its [reply brief](#) for the consolidated appeal.

**May 30:** [SNG letter](#) to GGYC commodore

JUNE 2008

**June 5:** Oral arguments heard before a five-Judge panel from the Appellate Division of the New York Supreme Court.

JULY 2008

**29 July:** The Appellate Division of the New York Supreme Court today rules in favour of the SNG declaring CNEV the rightful Challenger of Record for the 33rd America's Cup and denying the GGYC this status.

The decision of the Appellate Division reads: ".....the orders of the Supreme Court, New York County (Herman Cahn, J.), entered March 18, 2008 and May 13, 2008, which, inter alia, declared CNEV's challenge invalid and GGYC the Challenger of Record under the Deed of Gift, should be reversed, on the law, with costs, CNEV declared the Challenger of Record, and, in keeping with the Deed of Gift's requirement that the defender be given at least 10 months' written notice to prepare for the challenge, the 10-month notice period should be tolled until service of a copy of this order."

[Click here to read the court order](#)

AUGUST 2008

**1 August:** GGYC files notice of appeal with the Court of Appeals of the State of New York, continuing their aggressive legal strategy to hold the America's Cup hostage and attempting to force their way via the courts into the America's Cup Match (noteworthy is the fact that the yacht club did not request an expedited appeal). This comes despite pleas from the sailing community to cease their legal manoeuvring and allow the America's Cup to return to the water in a multi-challenger format.

[Click here to read the GGYC's Notice of Appeal](#)

**4 August:** GGYC files a Preliminary Appeal Statement with the State of New York Court of Appeals.

[Click here to read the statement](#)

**7 August:** State of New York Court of Appeals informs GGYC and SNG of the timeline for the GGYC's appeal as follows.

[Click here to read the letter](#)

- GGYC Brief to be served and filed by 29 September 2008
- SNG Brief to be served and filed by 13 November 2008
- GGYC Reply Brief to be served and filed by 28 November 2008
- Oral arguments likely early 2009

**22 August:** SNG writes to GGYC requesting GGYC complies with the Deed of Gift and supplies the Custom House Registry for their challenge vessel named USA as the team continues to claim to be the proper Challenger of Record for the 33rd America's Cup and is pursuing this in the New York Court of Appeals.

GGYC replies to SNG's letter.

[Click here to read the correspondence from SNG](#)

[Click here to read the correspondence from GGYC](#)

SEPTEMBER 2008

**8 September:** SNG writes to GGYC requesting clarity on the GGYC's continued claim to be the Challenger of Record and repeating the request for the GGYC Custom House Registry of its challenge vessel named USA 'as soon as possible'.

[Click here to read the correspondence](#)

**22 September:** GGYC replies to SNG's letter.

[Click here to read the correspondence](#)

**27 September:** Ernesto Bertarelli and Larry Ellison meet in San Francisco to discuss a solution to the current impasse and the future of the 33rd America's Cup.

**29 September:** GGYC submits its appeal brief to the New York State Court of Appeals. SNG to submit their reply brief by 13 November 2008.

[Click here to read the GGYC's appeal brief](#)

OCTOBER 2008

**15 October:** Reale Yacht Club Canottieri Savoia and Mascalzone Latino file a Notice of Motion for leave to file Amici Curiae Brief with the Court of Appeals.

[Click here to read the Motion](#)

[Click here to read the Brief](#)

**17 October:** Larry Ellison writes an open letter to Ernesto Bertarelli regarding his issues with the America's Cup.

[Click here to read the correspondence](#)

**21 October:** Alinghi accepts an invitation from Challenger of Record, CNEV, to race SUI100 in the America's Cup Class of the annual regatta, Trofeo Desafío Español II, in Valencia from 7-9 November.

**22 October:** SNG in partnership with the Challenger of Record, CNEV move to put the 33rd America's Cup back on track, re-opening entries for a multi-challenger event in 2010 in Valencia with pre-regattas in 2009 in the Version 5 ACC yachts.

[Click here to read the press release](#)

**25 October:** Ernesto Bertarelli replies to Larry Ellison addressing the points raised and again offers to meet to continue discussions.

[Click here to read the correspondence](#)

**30 October:** Eleven challengers entered in the 33rd America's Cup and the Defender, Alinghi, met at the Société Nautique de Genève, for the first of several Competitor Meetings to discuss returning the competition to the water as soon as possible. At the top of the agenda was the need for a financially sustainable model that includes cost-containment measures, such as a one-boat campaign and the creation of a new class of race yacht; faster and more spectacular than the Version 5.0 used for the 32nd America's Cup, but cheaper than the AC90 originally intended for the 33rd edition.

The new class will mean affordable participation for all existing teams, including the most recent entries, and will provide motivation for potential new challengers to join the 33rd America's Cup, expected to take place in 2010.

At the end of the meeting, the eleven challengers present and the Defender signed a joint request addressed to BMW Oracle Racing and the Golden Gate Yacht Club asking them to withdraw their law suit and join the fair and constructive process of reviewing the applicable documents and schedule that will allow the America's Cup to return to the water as soon as possible.

[Click here to read the press release](#)

## NOVEMBER 2008

**11 November:** A large majority of the teams entered in the 33rd America's Cup achieve another milestone in the process of getting the event back on the water during a second Competitor Meeting at the Société Nautique de Genève in Switzerland.

Ten of the 12 entered challengers present at the meeting, along with the Defender Alinghi, expressed a unanimous will to work together constructively towards a class rule and regulations that satisfy all entered competitors.

Amongst other topics, it is agreed that:

- \* The Arbitration Panel be expanded to five members, with the two additional members being appointed by all the entered competitors through a democratic process
- \* The Race Committee has been agreed by all the entered competitors
- \* Other America's Cup Race Officials, the Technical Director and Umpires will be selected following a similar process amongst ISAF officials
- \* Two pre-regattas will be organised in 2009 before the 33rd America's Cup in 2010

All participants at today's meeting expressed their satisfaction with the process and their confidence in ongoing plans progressing towards a 33rd America's Cup. They also urged BMW Oracle Racing once again to drop their lawsuit and enter this process.

(Team Germany was absent due to re-organisation, but is part of the democratic process and Mascalzone Latino was invited, but refused to sign the confidentiality agreement signed by all parties and therefore could not attend)

[Click here to read the press release](#)

**13 November:** Société Nautique de Geneve files a brief at the New York Court of Appeals against the Golden Gate Yacht Club motion. The brief is accompanied by a Club Náutico Español de Vela brief and two Amicus Curiae Briefs, presented by the City of Valencia and five of the 33rd Americas Cup challengers (Team French Spirit, Team Shosholoza, Green Comm Challenge, Argo Challenge and Ayre Challenge).

[Click here to read the SNG brief](#)

[Click here to read the CNEV brief](#)

[Click here to read the five challengers' amicus curiae briefs](#)

[Click here to read the City of Valencia Amicus brief](#)

DECEMBER 2008

**5 December:** GGYC submits its reply appeal brief to the New York State Court of Appeals. [Click here to read the reply appeal brief.](#)

**8 December:** GGYC sends a letter to SNG confirming that they will not submit an entry to the 33rd America's Cup.

[Click here to read the letter.](#)

**12 December:** Representatives of the entered teams gather in Geneva for a further Competitor Meeting hosted by the America's Cup Defender, Alinghi. The meeting concludes with a joint message from the 33rd America's Cup teams: "We disagree with BMW Oracle's legal strategy and still hope that they will choose to enter the 33rd America's Cup before Monday's deadline. Nevertheless, we have to continue working towards a multi-challenge event. The challengers are satisfied with the existing process with the Defender, the Protocol has been discussed at length and amended with the agreement of entered competitors and we are looking forward to getting back on the water and racing next summer."

[Click here to read the press release.](#)

**15 December:** The 33rd America's Cup entry deadline closes. Nineteen teams from 12 countries will race for the 33rd America's Cup should the Société Nautique de Genève and the Club Náutico Español de Vela prevail in the New York courts. All 32nd AC challengers enter except for one.

[Click here to read the press release and to see the entry list.](#)

**20 December:** Following discussions and agreements between the Defender, the Challenger of Record and the entered challengers in recent Competitor Meetings, an amended version of the 33rd America's Cup Protocol is published.

[Click here to see a version that includes all of the amended elements](#)

[Click here to see the clean version of the document](#)

**23 December:** Five additional challengers (K-Challenge, Deutscher Challenger Yacht Club, Dabliu Sail Project, Italia and Russian Challenge) present an Amicus Curiae Brief

in support of the Société Nautique de Genève against Golden Gate Yacht Club, including two 32nd America's Cup challengers; this brings the total number of challengers that have filed to 10 (see above 13 November).

[Click here to read the Amicus Brief](#)

[Click here to read the Notice of Motion](#)

**30 December:** The New York Yacht Club, a yacht club that is not entered in the 33rd America's Cup, files an Amicus Brief supporting GGYC case.

[Click here to read the Amicus Brief](#)

[Click here to read the Notice of Motion](#)

**31 December:** The San Diego Yacht Club, a yacht club that is not entered in the 33rd America's Cup, files an Amicus Brief in support of GGYC case.

[Click here to read the Amicus Brief](#)