

## JANUARY 2009

**2 January:** 33rd America's Cup challengers Team French Spirit and Team Shosholoza present an additional Amicus Curiae Brief countering a number of incorrect statements made in the recent New York Yacht Club brief submitted to the New York Court of Appeals.

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

**7 January:** The Royal Thames Yacht Club, the Challenger for the first ever America's Cup in 1870, together with TeamOrigin, the British Challenger for the 33rd America's Cup, submit an Amicus Brief with the New York Court of Appeals in support of the Société Nautique de Genève. They request the Court to confirm the Appellate Division order and allow the 33rd America's Cup to move forward as proposed in the latest Protocol document as issued by the Defender, Alinghi, the Challenger of Record, Club Náutico Español de Vela (CNEV) and the other 17 challenging teams on the 20th of December 2008.

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

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

## FEBRUARY 2009

**10 February:** Oral arguments are to be heard in front of the New York State Court of Appeals.

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

## APRIL 2009

**2 April:** The New York State Court of Appeals rules the Club Náutico Español de Vela invalid and imposes the Golden Gate Yacht Club as the Challenger of Record for the 33rd America's Cup.

[Click here to read the ruling](#)

[Click here to read the Société Nautique de Genève statement.](#)

Ernesto Bertarelli contacts Larry Ellison to open discussions about the terms of the 33rd America's Cup.

**7 April:** In response to SNG and Alinghi's invitation to open discussions, GGYC replies to SNG accepting to meet up.

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

[Click here to read the court of Appeals files Order and Judgment](#)

**14 April:** SNG writes to GGYC inviting their representatives to a meeting in Geneva the week of the 20 April to seek mutual consent on the terms of the 33rd America's Cup.

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

**17 April:** GGYC accepts SNG's invitation to Geneva to seek mutual consent on the terms of the 33rd America's Cup. BMW Oracle Racing confirms that Melinda Erkelens, BOR general counsel; Richard Slater, rules advisor and Manolo Ruiz de Elvira, a

designer will be attending. The Defender's representatives for the meeting are to be Brad Butterworth, Alinghi team skipper; Lucien Masméjan, general counsel and Fred Meyer, SNG vice-commander.

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

**23 April:** At a meeting in Geneva, the America's Cup defending yacht club, Société Nautique de Genève (SNG), confirms that it accepts the Golden Gate Yacht Club's (GGYC) challenge for the 33rd America's Cup and informs representatives of the American yacht club that its team, Alinghi, will be ready to race their 90x90ft boat (as stated in the GGYC Notice of Challenge) in 2010.

SNG expresses its willingness for the challenger selection to be open to other teams and has encouraged GGYC to do so by offering them more time for teams to prepare if necessary. It was also stated that the SNG would be flexible and ready to discuss other terms of the 33rd America's Cup such as race format, venue or calendar.

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

SNG writes a letter to GGYC outlining its position and inviting them to a new meeting.

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

**28 April:** GGYC ignores this letter and instead goes back to court, filing a 'contempt of court' charge against the SNG/Alinghi instead of accepting an invitation to another meeting to discuss the terms of the 33rd America's Cup. GGYC/BOR ignore both SNG's proposal to open the competition to other challengers and an invitation to agree to mutual consent terms.

[Click here to read the order to SNG to show cause.](#)

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

[Click here to read the affirmation of James Kearney and exhibit.](#)

**29 April:** SNG states its position and reminds GGYC that the Deed of Gift is not a document to be cast aside at convenience: the wording is clear on the matter of the dates and it states that the Challenger of Record should provide the Defender with a Custom-House Registry of the vessel 'as soon as possible'.

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

**30 April:** SNG submits an Order to Show Cause to the New York Supreme Court, requesting that the issue of the pending GGYC/BOR Custom-House Registry of Vessel be addressed during the 14 May hearing in order to save time and get the competition back on the water as soon as possible.

[Click here to read the Order to Show Cause.](#)

[Click here to read the Memorandum of Law.](#)

[Click here to read the Signed Affidavit in support of the OTSC](#)

MAY 2009

**5 May:** SNG/Alinghi writes to GGYC/BOR inviting them to resume the meeting of the 23 April to continue discussions about the details of the 33rd America's Cup, including the race date, the submission of the GGYC Custom-House Registry and the potential involvement of other yacht clubs in the multihull America's Cup Match that GGYC has proposed. Instead of arranging the follow-up meeting discussed at the conclusion of the

23 April meeting, GGYC decided last Monday to renew its legal proceedings. While SNG is disappointed with GGYC's decision to turn again to litigation, the defender remains willing to continue mutual consent negotiations on the race date and other issues regarding the next America's Cup. SNG proposes a meeting on 11 May 2009 at 10:30 local time. [Click here to read the letter.](#)

**11 May:** SNG submits a [Memorandum of Law](#), an [Affirmation of Barry R. Ostrager](#) and an [Affidavit of Lucien Masmajan](#) in opposition to the GGYC's motion for contempt of court, ahead of the court hearing on 14 May.

**14 May:** Justice Shirley Werner Kornreich of the NY Supreme Court rules on the date of the 33rd America's Cup Match and the pending Golden Gate Yacht Club (GGYC) Custom-House Registry. The Société Nautique de Genève and Alinghi welcome Justice Shirley Kornreich's decision and confirm that it will be adhered to. The Defender of the 33rd America's Cup also welcomes the clarity that it brings. We now know that the America's Cup Match can take place in the Northern Hemisphere regardless of the date, which Justice Kornreich said can be agreed through mediation. In the event of no agreement being reached, Alinghi, representing the SNG, will race BMW Oracle, representing the Golden Gate Yacht Club, in February 2010. In another important decision, Justice Kornreich ordered the GGYC to stick to the specifications of their Notice of Challenge and instructed the Challenger of Record to provide the Custom-House Registry as soon as possible. [Click here to read the Court transcript.](#)

**21 May:** Société Nautique de Genève (SNG) sends a letter to Golden Gate representatives reminding GGYC that as per the New York Supreme Court decisions, the Defender is entitled to select "Valencia or any other location" as the venue for the next America's Cup. [Click here to read the letter.](#)

**26 May:** SNG, the America's Cup defending yacht club, replies to a letter from the challenging Golden Gate club reiterating its expectation and anticipation that both clubs adhere to the clear terms of the orders issued by the Court of Appeals and the orders recently issued by Justice Kornreich. The SNG again declares that with regards the venue of the 33rd America's Cup, the Defender will either select Valencia or any other Northern or Southern Hemisphere location it wishes to choose.

[Click here to read the first part of the letter](#));

[Click here to read the second part of the letter,](#)

[Click here to read the letter GGYC sent to SNG on May 23rd.](#)

**27 May:** Société Nautique de Genève replies to Circolo di Vela Gargnano's letter of 11 May which expresses their willingness to compete in the 33rd America's Cup. The SNG reiterates its position, saying that it has always been favourable to the participation of as many challengers as possible and therefore is encouraging GGYC to accept this possibility. [Click here to read the letter.](#)

JUNE 2009

**19 June 2009:** GGYC sends a letter to SNG.

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

JULY 2009

**6 July:** SNG writes to correct the erroneous GGYC letter of 19 June 2009 that claims that naming a Northern Hemisphere venue other than Valencia without their ‘express agreement’ would ‘flaunt the Deed of Gift and or the court’s judgment and orders’. This statement is baseless. The last court orders of Justices Kornreich and Cahn stated that SNG is entitled to select Valencia “or any other location” for the next Cup, without qualification or limitation. “Any other location”, of course, includes any Northern or Southern Hemisphere venue.

The letter also stated that the Deed, as Justice Kornreich reiterated at the May 14, 2009 hearing, expressly requires GGYC to challenge in, and provide a Custom House Registry for, a challenge vessel that conforms exactly to the measurements contained in the boat certificate that accompanied GGYC’s notice of challenge.

Should GGYC challenge in a vessel that does not conform to the challenge dimensions, SNG will seek the GGYC’s immediate disqualification. SNG looks forward to the immediate receipt of the Custom House Registry.

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

**8 July:** GGYC respond.

[Click here to read the letter](#)

**14 July:** GGYC takes the SNG to court for the fourth time.

[Click here to read the Memorandum of Law](#)

[Click here to read the Order to show cause.](#)

**16 July:** SNG submits a request for Justice Kornreich to re-address the still pending Customs House Registry at the same scheduled hearing.

Click here to read the SNG court papers.

[Order to show cause:](#)

[Memorandum of Law:](#)

[Affirmation:](#)

**20 July:** SNG submits its opposition papers, including affidavits from Fred Meyer, Vice Commodore of SNG, and Tom Schnackenberg.

**21 July:** Hearing before Justice Shirley Werner Kornreich of the NY Supreme Court.

To read the SNG opposition papers please click on the following links:

[SNG.Meyer.Affidavit.7.20](#)

[SNG.Schnackenberg.Aff.7.20](#)

[SNG.Meyer.Exs.A to C](#)

[SNG.Meyer.Exs.D to F](#)

[SNG.Opp.Memo.7.20 \\_](#)

[SNG.Ostrager.Affadavit.7.20](#)

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

**22 July:** Following the 21 July hearing at the New York Supreme Court, the Société Nautique de Genève wrote to Justice Kornreich enclosing the SNG / ISAF 33rd America's Cup agreement. The defending yacht club also included the agreement for the 32nd America's Cup as a means of comparison. SNG reiterated its willingness to continue the mediation and confirmed in writing several points made in court. To read the letter, [click here](#).

**29 July:** Justice Kornreich gives her Decision and Order. [Click here to read it](#).

## AUGUST 2009

**5 August:** Société Nautique de Genève writes to Golden Gate YC with 33rd America's Cup Match Venue details. The defending yacht club gives the challenger the precise coordinates of the 33rd America's Cup Venue in Ras al-Khaimah, United Arab Emirates. [Click here to read the letter](#).  
The challenger GGYC replies. [Click here to read their letter](#).

**6 August:** SNG publishes the Measurement Procedures for the 33rd America's Cup. Following the suggestion of New York Supreme Court's Justice Kornreich, the America's Cup defending yacht club, Société Nautique de Genève (SNG), has published the measurement procedures for the 33rd America's Cup Match scheduled to start on 8 February 2010 in Ras al-Khaimah, United Arab Emirates. [Click here to read the procedures](#).

**10 August:** Court hearing regarding Challenger's Custom House Registry before Justice Kornreich. After two years of withholding the information, counsel for BMW Oracle disclose that the boat they have been sailing for almost a year is in fact their challenging vessel 'USA'. Kornreich reserves judgment on when the Challenger must deliver its Custom's House Registry. The SNG agrees to assist the Challenger with any queries it has with regards the Measurement Procedures.

**13 August:** SNG replies to GGYC's letter of 6 August regarding AC33 Venue choice. "The Court's Order regarding venue is clear: SNG had the right to designate either Valencia or "any other location" for the 33rd Cup...". [Click here to read the letter](#).

## SEPTEMBER 2009

**2 September:** GGYC files a Memorandum of Law in support of its motion to enforce the 7 April 2009 Order and Judgment, renew its sailing rules motion, and to permit disclosure of SNG and ISAF's 33rd America's Cup agreement, which to date has been ordered confidential by the NY Supreme Court. [Click here to read the Memorandum of Law](#).

**2 September:** GGYC files a Notice of Appeal to the Appellate Division of the NY Supreme Court, appealing NY Supreme Court Justice Kornreich's Court Decision and Order of the 29 July 2009, entered 3 August. [Click here to read the Notice of Appeal](#).

**17 September:** Société Nautique de Genève (SNG) and the International Sailing Federation (ISAF) decide to publish the 33rd America's Cup agreement dated 5 June 2009.

ISAF also files an Amicus Brief before the New York Supreme Court, clarifying its role in the 33rd America's Cup, stating its position in respect of the rules and regulations for the Match in 2010 and confirming SNG as the organizing authority for this event.

[Click here to read the ISAF-SNG agreement for the 33rd AC](#)

[Click here to read the letter sent by SNG to ISAF](#)

[Click here to read the agreement for the 32nd AC](#)

**18 September:** SNG files opposition documents to the GGYC's latest litigation. The defending yacht club requests that the court deny GGYC's latest motion and reaffirm that the SNG is entitled, under the Deed of Gift, to set the rules for the 33rd America's Cup.

GGYC chooses an ordinary 'motion to show cause', a longer court procedure, rather than the faster 'order to show cause':

[Click here to read SNG's opposition brief](#)

[Click here to read Barry Ostrager affirmation](#)

[Click here to read Tom Schnackenberg affidavit](#)

[Click here to read Rolf Vrolijk affidavit](#)

[Click here to read Lucien Masmajan affidavit](#)

**22 September:** The New York Supreme Court order of 18 September is made public finding Golden Gate Yacht Club's behavior "unsportsmanlike". In her ruling relating to a hearing on 10 August, New York Supreme Court Justice Shirley Kornreich highlights "...the unsportsmanlike behavior of Golden Gate that has resulted in substantially reducing SNG's (Société Nautique de Genève) advantage as originally contemplated by the Deed of Gift."

The 33rd America's Cup Defender, Société Nautique de Genève, had filed an Order to Show Cause in front of Justice Kornreich who, despite such an unprecedented statement describing the actions of GGYC, considers such "actions are not contrary to law" and is left with no option but to deny the motion.

Justice Kornreich's order also reiterates that the race shall be sailed under the rules and sailing regulations of the SNG.

SNG and its representing team Alinghi remain committed to a 33rd America's Cup fought on the water in Ras al-Khaimah in February 2010.

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