



GOLDEN GATE YACHT CLUB
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Statement
Tom Ehman, Golden Gate Yacht Club Spokesperson

Valencia, December 28, 2009 – The Golden Gate Yacht Club and BMW Oracle Racing intends to meet with Société Nautique de Genève as soon as possible in an attempt to remove the question mark hanging over the legality of Alinghi's yacht they will use to defend the forthcoming 33rd America's Cup.

Foremost is the nationality clause in the America's Cup Deed of Gift document which governs the event and requires the yachts of the Challenger of Record and the Defender to be constructed in the country of the yacht club they represent ("CIC").

Last week SNG was informed by GGYC of the obvious illegality of its yacht's USA-built sails. Yesterday SNG responded and agreed to meet on the matter.

"With racing scheduled to start in Valencia in just six weeks, we want this serious issue dealt with before the boats come to the starting line," said GGYC spokesman Tom Ehman.

The 33rd Match starts in Valencia, Spain, on February 8th.

"We don't think the sailing world would tolerate the two teams failing to sort this out, especially given that GGYC first put SNG on notice concerning CIC in July 2008," Ehman said.

"Virtually every racing sailor in the world knows North Sails' molded-construction is proprietary and unique to its Minden plant in the USA. It is the only place in the world where such sails are constructed. Nevada is not Switzerland."

When the two sides meet, GGYC is prepared to give the defender reasonable time to manufacture sails in Switzerland and take other remedial measures.

"Alinghi's sails are not their only CIC problem, only the most obvious," Ehman said.

Failing a satisfactory outcome, GGYC will take the CIC issue to the International Jury.

“What no one wants is the question mark hanging over Alinghi to turn into a question mark hanging over the result of the Match. The time to sort this matter out is right now, not during or after the Match, said Ehman.”

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Q & A

What does the Deed of Gift require of the Challenging and Defending Yachts?

“...a yacht or vessel propelled by sails only and constructed in the country to which the Challenging Club belongs, against any one yacht or vessel constructed in the country of the Club holding the Cup.”

What does a yacht or vessel include?

Historically, “yacht or vessel” has always included the hull, appendages, rig and sails.

What does this mean?

Exactly what it says. Constructed does not permit parts made in Switzerland to be added to Alinghi 5 in Italy or Ras Al Khaimah, or sails manufactured in the USA to go to Switzerland for “finishing” and then be called Swiss-made.

Are sails the only issue?

Unfortunately, no. The Nevada sails are the most visible violation. However Alinghi will need to clarify where other major components have been manufactured and/or fitted to its yacht.

Does Alinghi skipper Brad Butterworth believe the Jury should sort out such problems before the Match?

Yes. At the recent World Yacht Racing Forum both Russell Coutts, BMW ORACLE Racing’s CEO, and Brad Butterworth agreed that the result on the water should be free from litigation. Coutts said: “Put the Jury in place now and use that Jury to answer open questions that, perhaps, still need to be resolved.” Butterworth was asked if this made sense. “Yes it does,” the Alinghi skipper replied.

Why is GGYC raising the question now?

We want all issues resolved before racing begins for the 33rd America’s Cup. Complying with the Deed of Gift’s CIC requirement was first highlighted by GGYC in July 2008. It is much better to get all remaining rules-issues resolved now, to avoid protests or litigation during and after the Match as well as causing possible delay to the 34th America’s Cup. GGYC has waited for more than a year for SNG to allow ISAF to establish the International Jury. The five person panel was named three weeks ago, but the legal sign-off to enable the Jury to sit is still being held-up by SNG.

SNG said GGYC only wants to litigate?

On the contrary, GGYC is trying to avoid litigation by resolving this issue before racing begins. CIC is a central requirement in the Deed and GGYC will not allow SNG to recklessly disregard the rules. SNG must realize this, especially given that 13 of 14 decisions made by the New York courts have found the Swiss defender’s interpretations of the rules to be wrong.

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