



GOLDEN GATE YACHT CLUB
#1 Yacht Road, San Francisco, California USA 94123

Fact Sheet

The Sailing Community Speaks Out

Ernesto Bertarelli and representatives of SNG would like you to believe that all of the sailing community support them and are opposed to the efforts of BMW ORACLE Racing to create a fair, competitive America's Cup 33.

Read what many in the community are saying and decide for yourself:

Dennis Conner, 4-time America's Cup Winner

- "Bertarelli just looks pretty desperate to me. He's trying to control the whole event, he wants to tell everybody what kind of boats to race, and how they're going to race them. He wants both sides of the deal. This is a big change from the way it was always done. The Challengers used to work together to beat the Defender. Now he wants to be the Challenger and the Defender by sailing in both sets of trials." (*Interview with Sailing Anarchy, 11/21/08*)
- "Alinghi is trying to shanghai the event." (*Interview with Associated Press, 11/07/08*)

Former America's Cup Winner Bill Koch

- "What is outrageous to me is that Bertarelli basically formed his own yacht club to be a challenger and, therefore, he could pick who would be the Challenger against him, not through a normal competition, or not through a Deed of Gift challenge." (*Interview with BYM News, 01/06/09*)
- "The objective of SNG and its team founder, Ernesto Bertarelli, is to use CNEV to make money and circumvent the self-dealing charitable laws of New York." (*Amicus Brief, 01/01/09, p. 2*)
- "[T]he Appellate Division decision not only conflicts with the intent of the donors and the plain language of the Deed of Gift, the practical result of its decision would forever change the America's Cup from a competitive and prestigious match between the most prominent members of the sailing community, to an unfair and degrading race unjustly dominated by SNG." (*Amicus Brief, p. 9*)

New York Yacht Club

- “Although newly formed yacht clubs have occasionally been permitted to register as mutual consent challengers before holding their first annual regatta, every pre-1970 Challenger and post-1970 Challenger of Record in the history of the America’s Cup has held an annual regatta prior to issuing the challenge to which the Deed of Gift refers.” (*Amicus Brief, 12/31/08, p. 13*)
- “In the history of the Cup, not one of the previous Challengers of Record has been, like CNEV, a mere shell of a ‘Yacht Club’ – that is, a yacht club without a true membership, elected directors, an annual regatta or even a single yacht – when it issued its challenge.” (*p. 17*)
- “[T]he Protocol gives an unfair advantage to SNG over any challengers. Specifically, the Protocol gives SNG the power to reject challenging yacht clubs at its sole discretion and disqualify those who dispute the Protocol or SNG’s authority thereunder; it permits SNG to arbitrarily appoint and supervise the Event Authority (which will conduct the Challenger Selection Series as well as the Cup Races) and all of the Regatta Officials; and it virtually eliminates the obligation held by the Challenger of Record to represent the interests of all challengers. Perhaps most alarmingly, the Protocol allows SNG to unilaterally determine the essential rules of the event, announce them to the other participants only 60 days beforehand, and change them at any time without consultation with the other participants.” (*p. 17-18*)

Reale Yacht Club Canottieri Savoia (RYCCS)/Mascalzone Latino

- “By setting up as Challenger of Record a paper entity that would agree to these provisions, SNG has altered the nature of the America’s Cup from the competitive ‘*Challenger Cup*,’ mandated by the Deed of Gift, to an event totally governed by the Defender.” (*Amicus Brief, 10/16/08, p. 15*)
- “A real yacht club acting in the role of Challenger of Record would have engaged in a true negotiation process designed to generate rules to ensure a fair and competitive race – which is why the requirements of the Deed of Gift are so important....” (*p. 16*)

San Diego Yacht Club

- “SNG and CNEV assert in their briefs that although CNEV has never held an annual regatta, its intention to hold one in the future is sufficient under the Deed of Gift to qualify CNEV as an ‘organized Yacht Club’ capable of issuing a valid Challenge for the America’s Cup – the oldest sporting competition, even older than the modern Olympic games which began in 1896. Can one imagine the International Olympic Committee accepting for a qualifying round a group of individuals who intended to compete for a country that did not yet exist, but which they “intended to” form prior to the start of the games.” (*Amicus Brief, 12/31/08, p. 8*)
- “Under the Deed of Gift, the Cup’s Defender has no choice but to meet the Challenge, and every other would-be Challenger is on hold pending agreement between the Defender and Challenger on protocols. The Defender must meet whatever requirements the Challenger conceives, so long as they are in accord with the Deed of Gift. Given those restrictions, a

Defender who is in collusion, rather than competition, with a Challenger can flip the rules on their head, creating in essence a Defender's Cup rather than a Challenger's Cup." (p. 9)

"America's Cup View" Blog

- "The transformation of Ernesto Bertarelli (SUI), chief of Alinghi, from a great sailor into the worst kind of America's Cup mogul astonished all of us.... He became the Ugliest Custodian of the Cup in History." (01/10/09)
- "[W]e remind Ernesto that, on the day it counted, Club Náutico Español de Vela (CNEV) did not have an annual regatta, never had an annual regatta, and had no plans for having, or ever having an annual regatta." (10/27/08)

Sailing Anarchy

- "'93 Cup winner Bill Koch's document joins the filings from SDYC and NYIC last week, and together, they represent the voices of nearly the entire history of the America's Cup." (01/05/09)

Cory E. Friedman (Scuttlebutt)

- "[SNG] has already gotten most of its posse to file amici ... and the clique was filled out with a bizarre brief from Team French Spirit and Team Shosholozza.... which is little more than a vituperative *ad hominem* tirade against another amicus has to be a new one that only sailors could think of.... [I]t cites no authority for its charges and simply goes after NYIC in argument as if it were relying upon incontestable fact.... Pretty unprofessional stuff." (01/08/09)
- "Team Origin/Royal Thames filed a late amicus, based upon facts sworn to by a New York attorney with no personal knowledge of what he was swearing to, giving the lamest excuse for a late filing ever and claiming that the Protocol is hunky dory and that GGYC did not know what it really said. Of course they do not mention that GGYC was not allowed to see the Protocol unless it dropped its lawsuit." (01/08/09)

Vincenzo Onorato (President, Mascalzone Latino)

- "[I]f someone has some doubt regarding BMW Oracle decision to appeal the latest decision, I would suggest to go and read again Alinghi's protocol, which is the most unsporting document ever done." (Interview with Sebastien Destremau/Adonnante.com, 10/29/08)
- "We will fight for a fair protocol and will keep expressing our opinion which is absolutely on the same line as Oracle's one." (Interview with Sebastien Destremau/Adonnante.com, 10/30/08)
- "[I]n such a very short time a number of teams without history or "art" have been promptly and immediately accredited to the highest world sailing competition.... You asked for the proof of the existence of Reale Yacht Club Canottieri Savoia which has more than a century of history and participations into two America's Cup.... Mr. Bertarelli, you should be ashamed to offend my club and the city it represents only because we have supported Oracle arguments.... Congratulations to Russell who has the courage to give up with you, and to Ellison to defend our sport." (Letter to Ernesto Bertarelli, 12/31/08)

Eric Sharp, Detroit Free Press

- “The new challenger of record – which runs the challenger trials and negotiates with the defender — was a puppet created to scratch backs on both sides. The Spaniards got to keep one of the world’s most-prestigious and lucrative sporting events in Valencia, and in Alinghi got *de facto* control over the challenger trials, something unprecedented in the Cup’s 157-year history.” (11/24/08)
- “[T]here's no way around the fact that the Spanish club is simply a sham designed to keep the event in Valencia and give the Swiss unprecedented and unfair control over the challenger selection series and the finals.... I've been adamant that Alinghi's plans to hold an America's Cup in 2010, with CNEV as challenger of record, make a mockery of the Deed. The proposed rules changes give Alinghi almost unbeatable advantages.” (12/18/08)

Alessandra Pandarese (General Counsel, Mascalzone Latino)

- “Our position is that we believe the [protocol] discussion should be an open discussion; there is no practical reason for secrecy.” (Interview with BYM News, 11/24/08)

Stuart S. James (Executive Director, China Team)

- “We believe, therefore, that [Alinghi’s] requiring teams to commit to such expenditure, prior to resolution of the court case in particular, but also prior to clarification of what boat we will be racing and where we will be racing, is unreasonable.” (Open Letter, 01/08/09)

Kimball Livingston (Senior Editor, SAIL Magazine)

- “The best minds I know say, ‘no way’ should CNEV be declared legit, but the last court ruling declared the equivalent of ‘sure, whatever’ and blessed CNEV’s status to most everyone’s surprise including the few then-still-operating elements of CNEV. Me, I was merely flabbergasted to read what seemed like at best a flabby ruling.” (Sail West blog, 10/31/08)

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