

Société Nautique de Genève wins America's Cup appeal

New York Supreme Court reinstates Club Náutico Español de Vela as the Challenger of Record...

The Appellate Division of the New York Supreme Court today ruled in favour of the Société Nautique de Genève (SNG) declaring Club Náutico Español de Vela (CNEV) the rightful Challenger of Record for the 33rd America's Cup and denying the Golden Gate Yacht Club (GGYC) this status.

Ernesto Bertarelli, Alinghi president, comments: "We are delighted with this result; we can now continue with our vision of a multi-challenger event. The court's decision validates our actions and enables us to put the America's Cup back on the water."

Lucien Masméjan, SNG lead counsel, comments: "After a year of litigation interference by the GGYC, we are extremely pleased that the Appellate Division has found its challenges to SNG's conduct of the 33rd America's Cup baseless. The GGYC's actions have wasted a lot of time, effort and resources over the past year and we hope that it does not appeal. We must now evaluate whether adjustments have to be made due to the time consumed by its improper litigation initiatives."

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."*