

"It's a shame that BMW Oracle and Golden Gate Yacht Club (GGYC) persist with their campaign to win the America's Cup through litigation rather than on the water. This is the sixth time that they've taken the Defender to court. It is possible that Larry Ellison continues to revert to the courts to draw attention away from the fact that their boat does not meet the dimensions as per their Certificate of Challenge.

"Golden Gate Yacht Club's speculations over the conduct of the Match before the Notice of Race and Sailing Instructions have even been written and published are simply premature and self-serving. They are designed to denigrate the reputation and achievements of the Swiss Defender, Société Nautique de Genève (SNG), as well as the America's Cup itself. BMW Oracle is once again dragging the America's Cup through the courts on baseless grounds.

"The rules of the America's Cup Match are as the donors of the Deed of Gift wrote over 130 years ago, when other American yacht clubs were the Defender. They are not as the Golden Gate Yacht Club or BMW Oracle would now, as a Challenger, like them to be, to suit their purposes.

The simple facts are:

1. In absence of mutual agreement between the Defender and the Challenger, the America's Cup is ruled by the default terms of the Deed of Gift.
2. In accordance with the Deed of Gift, and as with all past America's Cups, the defending yacht club is the organiser of the Match.
3. The Deed of Gift states that the challenging vessel should not exceed certain measurements. GGYC presented their Certificate of Challenge specifying a 90x90ft yacht. Today they must honour their own volunteered and freely submitted decision and their competing yacht must match those dimensions, as required by the Deed of Gift and ordered by Justice Kornreich. SNG does not wish to see GGYC disqualified; they have enough time to modify their boat so that it measures.
4. The rules of the Match will be the Deed of Gift, and the ISAF Racing Rules of Sailing written and promulgated by the International Sailing Federation and used by yacht clubs all over the world, including GGYC and SNG.
5. The rules of the Match will be set out in a Notice of Race to be published on 6 November 2009 and in the Sailing Instructions to be published on 8 January 2010. These dates are considerably earlier than when an American Defender – whose Chief Operating Officer was Tom Ehman – provided the same documents to the then Challenger in 1988 when the Cup was last competed for under the strict terms of the Deed of Gift.
6. SNG has voluntarily provided GGYC with advance details of the rules and procedures affecting the construction and measurement of the competing yachts and continues to answer questions from and provide information to GGYC about these matters to allow them to prepare their yacht "USA".
7. All Umpires and members of the International Jury will be solely selected by the International Sailing Federation (ISAF). Like all regattas and sporting competitions they, like

the competitors, will be bound by the rules of the competition.

8. The Supreme Court of the State of New York has reviewed the agreement between SNG and ISAF, which follows past agreements approved by GGYC and found that: "*the agreement*] is not inconsistent with anything in the Deed or the applicable rules. There is also nothing untoward about the agreement itself."

Fred Meyer, Vice-Commodor of the SNG

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