

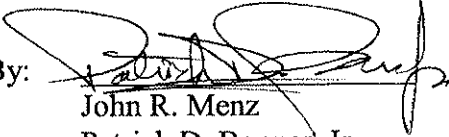
COURT OF APPEALS STATE OF NEW YORK

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GOLDEN GATE YACHT CLUB,	:	New York County
	:	Index No. 602446/07
Plaintiff-Appellant,	:	
	:	
- against -	:	NOTICE OF MOTION
	:	FOR LEAVE TO FILE
SOCIÉTÉ NAUTIQUE DE GENÈVE,	:	<u>AMICI CURIAE BRIEF</u>
	:	
Defendant-Respondent,	:	
	:	
- and -	:	
	:	
CLUB NAUTICO ESPANOL DE VELA,	:	
	:	
Intervenor-Defendant.	:	
	:	
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PLEASE TAKE NOTICE, that upon the annexed affirmation of Patrick D. Bonner, Jr., Esq., dated December 23, 2008, the exhibit thereto, and upon all the proceedings heretofore had herein, the undersigned will move this Court at a term thereof to be held at Court of Appeals Hall in Albany, New York, on January 5, 2009, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order granting movants Deutscher Challenger Yacht Club, K-Challenge, Italia, Dabliu Sail Project and Russian Challenge leave to file an *amici curiae* brief in the above-titled action which currently is before this Court on appeal, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
December 23, 2008

Respectfully Submitted,
MENZ BONNER & KOMAR LLP

By: 
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COURT OF APPEALS STATE OF NEW YORK

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GOLDEN GATE YACHT CLUB, : New York County
 : Index No. 602446/07
 :
Plaintiff-Appellant, :
 :
- against - :
 :
SOCIÉTÉ NAUTIQUE DE GENÈVE, : **AFFIRMATION IN**
 : **SUPPORT OF MOTION**
 : **TO FILE *AMICI CURIAE* BRIEF**
 :
Defendant-Respondent, :
 :
- and - :
 :
CLUB NAUTICO ESPANOL DE VELA, :
 :
Intervenor-Defendant. :
 :
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PATRICK D. BONNER, JR., an attorney admitted to practice before the Courts of the State of New York, affirms the following under penalty of perjury:

1. I am a member of the law firm of Menz Bonner & Komar LLP, counsel for movants Deutscher Challenger Yacht Club, K-Challenge, Italia, Dabliu Sail Project and Russian Challenge (collectively, the “Proposed *Amici*”). I submit this affirmation in support of the instant motion for the Proposed *Amici* for leave to file the accompanying *amici curiae* brief in the above-entitled action now before this Court on appeal.

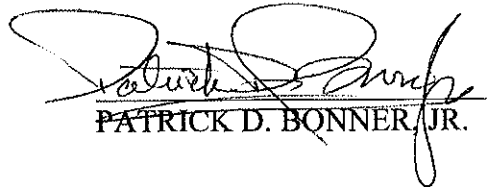
2. This case raises significant issues regarding the interpretation and application of the Deed of Gift governing America’s Cup. The trial court’s disqualification of Intervenor-Defendant Club Náutico Español De Vela as the Challenger of Record and declaration of Appellant Golden Gate Yacht Club as the Challenger of Record Adversely affected yacht clubs all over the world that planned to participate in the 33rd America’s Cup. The trial court foreclosed Proposed *Amici* Deutscher Challenger Yacht Club, K-Challenge, Italia,

Dabliu Sail Project and Russian Challenge - and all other yacht clubs other than Respondent Société Nautique Genève and Appellant Golden Gate Yacht Club – from participating in the 33rd America’s Cup. The Appellate Division’s July 29, 2008 Order corrected this error, setting the Cup back on track in accordance with the controlling Deed of Gift.

3. Proposed *Amici* seek leave to file the attached *amici curiae* brief because they can offer an important perspective to the Court on why the Appellate Division’s Order should be affirmed.

WHEREFORE, your deponent respectfully submits that the accompanying proposed *amici curiae* brief would be of assistance to the Court in deciding the appeal in this action, and respectfully requests that the instant motion be granted in all respects.

Dated: New York, New York
December 23, 2008



PATRICK D. BONNER, JR.