

New York State  
COURT OF APPEALS

GOLDEN GATE YACHT CLUB,

*Plaintiff-Appellant,*

*against*

SOCIETE NAUTIQUE DE GENEVE,

*Defendant-Respondent,*

*and*

CLUB NÁUTICO ESPAÑOL DE VELA,

*Intervenor-Defendant.*

---

BRIEF OF *AMICI CURIAE* DEUTSCHER CHALLENGER YACHT CLUB, K-  
CHALLENGE, ITALIA, DABLIU SAIL PROJECT AND RUSSIAN  
CHALLENGE IN SUPPORT OF RESPONDENT

---

MENZ BONNER & KOMAR LLP  
Two Grand Central Tower, 140 East 45<sup>th</sup>  
Street, 20<sup>th</sup> Floor  
New York, New York 10017  
Tel. (212) 223-2100

*Attorneys for Amici Curiae Deutscher Challenger Yacht  
Club, K-Challenge, Italia, Dabliu Sail Project and  
Russian Challenge*

---

*Printed on Recycled Paper*

### **Interest of Amici Curiae**

Amici curiae Deutscher Challenger Yacht Club, K-Challenge, Italia, Dabliu Sail Project and Russian Challenge (collectively, “Amici”) are well-established racing teams who have entered into and are preparing to compete for the 33<sup>rd</sup> America’s Cup. Deutscher Challenger Yacht Club was a challenger for the 32<sup>nd</sup> America’s Cup. Their participation in the 32<sup>nd</sup> America’s Cup marked the first time a German yacht club participated in the America’s Cup. K-Challenge (f/k/a Areva Challenge) represented France as challenger for the 32<sup>nd</sup> America’s Cup, winning eight races in the preliminary rounds of the Louis Vuitton Cup. Italia, Dabliu Sail Project and Russian Challenge are participating for the first time in the America’s Cup.

Amici have each submitted a Notice of Entry for the 33<sup>rd</sup> America’s Cup to Respondent Société Nautique de Genève (“SNG”), which entries have been accepted. Each of these teams intends to and will compete in the 33<sup>rd</sup> America’s Cup, so long as it is held as a multi-challenger regatta.

### **Argument**

Amici have the same interests in this appeal as Amici Curiae Team French Spirit, Argo Challenge, Green Comm Challenge, Team Shosholoza and Ayre Challenge, and thus join in and incorporate by reference the amicus brief submitted by Amici Curiae Team French Spirit, Argo Challenge, Green Comm

Challenge, Team Shosholoza and Ayre Challenge. It is now publicly known that the following yacht clubs have entered in the 33<sup>rd</sup> America's Cup:

- Club Náutico Español de Vela represented by Desafío Español
- Royal Cape Yacht Club represented by Team Shosholoza
- Royal Thames Yacht Club represented by TEAMORIGIN
- Royal New Zealand Yacht Squadron represented by Team New Zealand
- Deutscher Challenger Yacht Club represented by DCYC
- Circolo di Vela Gargnano represented by Green Comm Challenge
- Real Club Náutico de Denia represented by Ayre Challenge
- Gamla Stans Yacht Skallskap represented by Victory Challenge
- Club Nautico Gaeta represented by Argo Challenge
- Reale Yacht Club Canottieri Savoia represented by Mascalzone Latino
- Yacht Club de Saint Tropez represented by Team French Spirit
- Club Nautico Punta Ala represented by Luna Rossa
- Yacht Club Seven Feet represented by Russian Challenge
- Società Canottieri Lecco represented by Italia
- Cercle de la Voile de Paris represented by K-Challenge
- N.O.K. Poseidon – Nautical Club of Kalamata represented by Greek Challenge
- Circolo della Vela Muggia represented by Dabliu Sail Project
- Qingdao International Yacht Club represented by China Team

See <http://33rd.americascup.com/en/entry.php>.

**Conclusion**

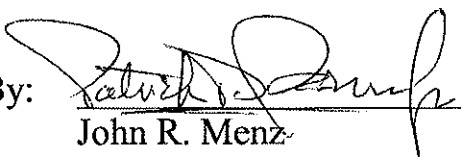
Amici respectfully request that this Court affirm the Appellate

Division's Order.

Dated: New York, New York  
December 23, 2008

Respectfully Submitted,

MENZ BONNER & KOMAR LLP

By:   
John R. Menz  
Patrick D. Bonner, Jr.

Two Grand Central Tower  
140 East 45<sup>th</sup> Street, 20<sup>th</sup> Floor  
New York, New York 10017  
Tel. (212) 223-2100

*Attorneys for Amici Curiae Deutscher  
Challenger Yacht Club, K-Challenge, Italia,  
Dabliu Sail Project and Russian Challenge*