SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

GOLDEN GATE YACHT CLUB,

Plaintiff,

:INDEX NO. 602446/07

v.

: IAS Part 54

SOCIÉTÉ NAUTIQUE DE GENÈVE,

: Hon. Shirley Werner Kornreich

Defendant,

v.

AFFIRMATION OF BARRY R. OSTRAGER

CLUB NÁUTICO ESPAÑOL DE VELA,

Intervenor-Defendant.

____X

BARRY R. OSTRAGER, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms under penalty of perjury:

- 1. I am a member of the firm Simpson Thacher & Bartlett LLP, counsel to Société Nautique de Genève ("SNG") in the above-captioned action. I submit this Affirmation, in further support of SNG's Order to Show Cause why an order should not be entered disqualifying Golden Gate Yacht Club's ("GGYC") as the Challenger of Record for failure to provide a Custom House registry of its challenge vessel as required by the Deed of Gift, or in the alternative compelling GGYC to provide Société Nautique de Genève ("SNG") with a Custom House registry of its challenge vessel described in its Notice of Challenge (and launched on August 25, 2008) within 30 days.
- 2. Because this claim for relief is related to the order to show cause sought by GGYC, SNG requests that this order to show cause be heard on the same schedule, with opposition papers due May 11, 2009 and a hearing set for May 14, 2009.

- 3. Attached hereto as Exhibit A is a true and correct copy of the Deed of Gift.
- 4. Attached hereto as Exhibit B is a true and correct copy of a letter from Marcus Young and Norbert Bajurin of GGYC to SNG, dated July 11, 2007, attaching GGYC's Notice of Challenge and GGYC's Certificate of Name, Rig, and Specified Dimensions of Challenging Vessel.
- 5. Attached hereto as Exhibit C is a true and correct copy of a letter from Fred Meyer and Alec Tournier of SNG to Marcus Young of GGYC, dated April 28, 2008.
- 6. Attached hereto as Exhibit D is a true and correct copy of a letter from Marcus Young of GGYC to Fred Meyer and Alec Tournier of SNG, dated April 29, 2008.
- 7. Attached hereto as Exhibit E is a true and correct copy of a letter from Fred Meyer and Alec Tournier of SNG to Marcus Young of GGYC, dated May 6, 2008.
- 8. Attached hereto as Exhibit F is a true and correct copy of a GGYC press release entitled "GGYC Statement on 'Custom-House Registry,'" dated May 20, 2008.
- 9. Attached hereto as Exhibit G is a true and correct copy of a letter from Fred Meyer and Alec Tournier of SNG to Marcus Young of GGYC, dated August 22, 2008.
- 10. Attached hereto as Exhibit H is a true and correct copy of a BMW Oracle Racing press release, "New boat hits the water," dated August 25, 2008.
- 11. Attached hereto as Exhibit I is a true and correct copy of a letter from Fred Meyer of SNG to Marcus Young GGYC, dated April 23, 2009.
- 12. Attached hereto as Exhibit J is a true and correct copy of an article from the San Francisco Chronicle (sfgate.com) entitled America's Cup fight heading back to court, dated April 28, 2009, by Bernie Wilson.

- 13. Attached hereto as Exhibit K is a true and correct copy of an article from The New Zealand Herald entitled Yachting: Alinghi bosses threatened with jail, dated April 30, 2009.
- 14. No prior application for the same or similar relief has been made to this court.

Dated: April 30, 2009